



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

P-0 185
K.M. 27
158

सं. 45] नई दिल्ली, नवम्बर 5—नवम्बर 11, 2006, शनिवार/कार्तिक 14—कार्तिक 20, 1928
No. 45] NEW DELHI, NOVEMBER 5—NOVEMBER 11, 2006, SATURDAY/KARTIKA 14—KARTIKA 20, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

पूरा किया

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्रभारी
सि. वि. एकक

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 31 अक्टूबर, 2006

क्र.अ. 4288.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खंड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री विनोद राय, सचिव (वित्तीय क्षेत्र), वित्त मंत्रालय, आर्थिक कार्य विभाग, नई दिल्ली को तत्काल प्रभाव से और अगले आदेशों तक श्री अशोक झा के स्थान पर भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[फा.सं. 9/11/2004-बी ओ.-1]

जी.बी. सिंह, उप सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

New Delhi, the 31st October, 2006

S.O. 4288.—In exercise of the powers conferred by clause (e) of Section 19 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, hereby nominates Shri Vinod Rai, Secretary (Financial Sector), Ministry of Finance, Department of Economic Affairs, New Delhi as a Director on the Central Board of State Bank of India with immediate effect and until further orders vice Shri Ashok Jha.

[F.No. 9/11/2004-BO-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 31 अक्टूबर, 2006

का.आ. 4289.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, नीचे दी गई सारणी के कालम (2) में विनिर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में विनिर्दिष्ट व्यक्तियों के स्थान पर इसके कालम (1) में विनिर्दिष्ट बैंकों के निदेशक के रूप में तत्काल प्रभाव से और अगला आदेश होने तक नामित करती है :-

सारणी

बैंक का नाम	प्रस्तावित व्यक्ति का नाम	विद्यमान निदेशकों के नाम
1	2	3
बैंक ऑफ बड़ौदा	श्री जी.सी. चतुर्वेदी, संयुक्त सचिव (बैंकिंग एवं बीमा), वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली।	श्री विनोद राय
केनरा बैंक	श्री अमिताभ वर्मा, संयुक्त सचिव (बीओए), वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली।	श्री जी. सी. चतुर्वेदी
बैंक ऑफ इंडिया	श्री सुदेश कुमार, निदेशक (बीओ-1 एवं सतर्कता), वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली।	श्री अमिताभ वर्मा
देना बैंक	श्री आर. एल. बनर्जी, निदेशक (डीआरटी एवं एससीटी), वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली।	श्री सुदेश कुमार

[फा.सं. 9/11/2004-बी ओ-1]
जी.बी. सिंह, उप सचिव

New Delhi, the 31st October, 2006

S.O. 4289.—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominate the persons specified in column 2 of the table below as Directors of the banks specified in column 1 thereof in place of the persons specified in column 3 of the said table, with immediate effect and until further orders :—

TABLE

Name of the Bank	Name of Proposed Person	Name of Present Directors
(1)	(2)	(3)
Bank of Baroda	Shri G.C. Chaturvedi, Joint Secretary (B&I) Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi.	Shri Vinod Rai
Canara Bank	Shri Amitabh Verma, Joint Secretary (BOA) Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi.	Shri G.C. Chaturvedi
Bank of India	Shri Sudesh Kumar, Director (BO-I & Vig.) Ministry of Finance, Banking Division, New Delhi.	Shri Amitabh Verma
Dena Bank	Shri R.L. Banerjee, Director (DRT & SCT) Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi.	Shri Sudesh Kumar

[F.No. 9/11/2004-BO-I]

G. S. SINGH, Dy. Secy.

(बीमा प्रभाग)

नई दिल्ली, 31 अक्टूबर, 2006

का.आ. 4290.—केन्द्रीय सरकार, भारतीय जीवन बीमा निगम वर्ग 3 और 4 कर्मचारी (सेवा के निबंधन और शर्तों का पुनरीक्षण) नियम, 1985 के नियम 13 के उप-नियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्धारित करती है कि वर्ग 3 और 4 के प्रत्येक कर्मचारी को 01 अप्रैल, 2005 को आरंभ होने वाली 31 मार्च, 2006 को समाप्त होने वाली अवधि के लिए बोनस के बदले में संदाय, उक्त उप-नियम में अन्य उपबंधों के अधीन रखते हुए उसके संबलम के 15 प्रतिशत की दर पर किया जाएगा।

[फा. सं. 2(15) 96/बीमा: III]

एम. वेंकटेश्वरलु, अवर सचिव

(Insurance Division)

New Delhi, the 31st October, 2006

S.O. 4290.—In exercise of the powers conferred by sub-rule (2) of rule 13 of the Life Insurance Corporation of India Class III and Class IV Employees (Revision of Terms and Conditions of Service) Rules, 1985, the Central Government hereby determine that, subject to the other provisions of the said sub-rule, the payment in lieu of bonus for the period commencing on 1st day of April, 2005 and ending with 31st March, 2006 to every Class III and IV employee shall be at the rate of 15 percent of his/her salary.

[F. No. 2(15) 96/Ins. III]

M. VENKATESWARLU, Under Secy.

मुख्य आयकर आयुक्त का कार्यालय

उदयपुर, 31 अक्टूबर, 2006

सं. 3/35/2006-07

का.आ. 4291.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) की उप-धारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, उदयपुर "राष्ट्रीय शिक्षा समिति, द्वारा आलोक इन्स्टीट्यूशन, हिरण मगरी, सेक्टर-11, उदयपुर (राजस्थान)" को उक्त धारा के प्रयोजन हेतु निर्धारण वर्ष 2006-2007 और 2008-2009 के लिए अनुमोदन करते हैं :

परन्तु यह तब जब कि सोसायटी आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23ग) की उप-धारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के प्रावधानों की पुष्टि एवं अनुपालना करती है।

[सं. मु.आ.आ./उदय/आ.अ. (तक.)/2006-07]

विजय रंजन, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Udaipur, the 31st October, 2006

No. 3/35/2006-07

S.O. 4291.—In exercise of the powers conferred by sub-section (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, the Chief Commissioner of Income-tax, Udaipur hereby approves "Rashtriya Shiksha Samiti, C/o. Alok Institution, Hiran Magri, Sector-11, Udaipur (Rajasthan)" for the purpose of said section for the assessment years 2006-2007 to 2008-2009 :

Provided that the society conforms to and complies with the provisions of sub-Section (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/UDF/TTO (Tech.)/2006-07]

VIJAY RANJAN, Chief Commissioner of Income-tax

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 19 अक्टूबर, 2006

का.आ.4292.—केन्द्रीय सरकार, मानव अंग प्रतिरोपण अधिनियम, 1994 (1994 का 42) की धारा 9 की उप-धारा (4) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वास्थ्य मंत्रालय की अधिसूचना संख्या का.आ. 82(अ), तारीख 4 फरवरी, 1995 का निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में "1, राष्ट्रीय राजधानी क्षेत्र दिल्ली" शीर्ष के अंतर्गत क्रम संख्या 3 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :-

"4. पुष्पावती सिंघानिया यकृत, वृक्क और पाचक रोग अनुसंधान संस्थान, नई दिल्ली-110017।

- | | |
|--|----------|
| (1) डा. दीपक शुक्ला,
चिकित्सा अधीक्षक,
पुष्पावती सिंघानिया अनुसंधान संस्थान,
नई दिल्ली | -अध्यक्ष |
| (2) डा. राजेश तनेजा,
ज्येष्ठ परामर्शी, यूरोलोजी,
पुष्पावती सिंघानिया अनुसंधान संस्थान,
नई दिल्ली | -सदस्य |
| (3) डा. संदीप सलूजा,
आंतरिक औषध और संधिवात विज्ञान,
पुष्पावती सिंघानिया अनुसंधान संस्थान,
नई दिल्ली | -सदस्य |
| (4) मेजर जनरल (सेवानिवृत्त)
एस.के. बिस्वास,
ए-1/151, सफदरजंग एन्क्लेव,
नई दिल्ली-110029 | -सदस्य |
| (5) प्रो. ए.के. अग्रवाल,
निदेशक, इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय,
मैदान गढ़ी,
नई दिल्ली-110068 | -सदस्य |
| (6) श्री अनूप बगई,
अधिवक्ता, दिल्ली उच्च न्यायालय,
141, साउथ पार्क अपार्टमेंट,
कालकाजी, नई दिल्ली-110019। | |
| (7) सचिव (स्वास्थ्य), के नामनिर्देशिती
जीएनसीटी,
नवां तल, दिल्ली सचिवालय,
आईपी एस्टेट, नई दिल्ली। | -सदस्य |
| (8) स्वास्थ्य सेवाओं के नामनिर्देशिती,
जीएनसीटी, एफ-17, कड़कड़डूमा,
शाहदरा, दिल्ली-110032। | -सदस्य |

[फा. सं. एस. 12011/6/01-एमएस]

जय प्रकाश, अवर सचिव

टिप्पण : मूल नियम भारत के राजपत्र संख्या का.आ. 82(अ), तारीख 4 फरवरी, 1995 में प्रकाशित हुए थे और अंतिम संशोधन अधिसूचना संख्यांक का.आ. 2858 तारीख 17 जुलाई, 2006 द्वारा किया गया।

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health and Family Welfare)**

New Delhi, the 19th October, 2006

S.O. 4292.—In exercise of the powers conferred by clause (a) of sub-section (4) of Section 9 of the Transplantation of Human Organs Act, 1994 (42 of 1994), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Health and Family Welfare number S.O. 82(E), dated the 4th February, 1995, namely :—

In the said notification, under the heading “I, National Capital Territory of Delhi,” after serial no. 3 and the entries relating thereto, the following serial number 4 and entries shall be inserted, namely :—

“4. Pushpawati Singhanian Research Institute for Liver Renal and Digestive Diseases, New Delhi-110017.

- | | |
|---|----------|
| “(1) Dr. Deepak Shukla,
Medical Superintendent,
Pushpawati Singhanian Research Institute,
New Delhi. | Chairman |
| (2) Dr. Rajesh Taneja,
Senior Consultant Urology,
Pushpawati Singhanian Research Institute,
New Delhi. | Member |
| (3) Dr. Sandeep Saluja,
Internal Medicine and Rheumatology,
Pushpawati Singhanian Research Institute,
New Delhi. | Member |
| (4) Maj. Gen. (Retd.) S.K. Biswas,
A-1/151, Sadfarjung Enclave,
New Delhi-110029 | Member |
| (5) Prof. A.K. Agarwal,
Director, Indira Gandhi National Open University,
Maidan Garhi,
New Delhi-110068 | Member |
| (6) Mr. Anoop Bagai,
Advocate, Delhi High Court,
141, South Park Apartments,
Kalkaji, New Delhi-110019 | Member |
| (7) Nominee of the Secy. (Health), GNCT,
9th Floor, Delhi Secretariat,
IP Estate, New Delhi. | Member |
| (8) Nominee of the
Directorate of Health Services,
GNCT, F-17, Karkardooma,
Shahdara Delhi-110032 | Member” |

[F. No. S. 12011/6/01-MS]

JAI PRAKASHI, Under Secy.

Note :—The principal notification was published in the Gazette of India *vide* number S.O. 82(E), dated the 4th February, 1995 and last amendment therein was made by notification number S.O. 2868 dated 17th July, 2006.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 23 अक्टूबर, 2006

का.आ. 4293.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम

(4) के अनुसार में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के प्रशासनिक नियंत्रणाधीन केन्द्रीय उर्वरक गुण नियंत्रण एवं प्रशिक्षण

संस्थान, फरीदाबाद के निम्नलिखित कार्यालय को जिसके 80% कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :--

क्षेत्रीय उर्वरक नियंत्रण प्रयोगशाला,
प्लॉट नं. 28-29, सैक्टर-24, तुर्भे,
नवी मुंबई-400 703

[संख्या 3-6/2004-हिन्दी नीति]
पी.के. जलाली, संयुक्त सचिव

MINISTRY OF AGRICULTURE
(Department of Agriculture and Cooperation)
New Delhi, the 23rd October, 2006

S.O. 4293.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following office of the Central Fertiliser Quality Control & Training Institute, Faridabad, under the Administrative control of the Department of Agriculture and Cooperation, Ministry of Agriculture, 80% staff whereof have acquired the working knowledge of Hindi :—

Regional Fertiliser Control Laboratory,
Plot No. 28/29, Sector-24, Turbhe,
Navi Mumbai-400 703.

[No. 3-6/2004-Hindi Neeti]
P.K. JALALI, Jt. Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 30 अक्टूबर, 2006

का.आ. 4294.—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 की धारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री के.एन. श्रीवास्तव, आई ए एस, संयुक्त सचिव, नागर विमानन मंत्रालय को तुरन्त प्रभाव से श्री संजय नारायण, आई ए एस, संयुक्त सचिव के स्थान पर भारतीय विमानपत्तन बोर्ड के अंशकालिक सदस्य के रूप में नियुक्त करती है।

[सं. एवी-24015/005/94-बीबी]
सर्वेश कुमार आर्य, अवर सचिव

MINISTRY OF CIVIL AVIATION
New Delhi, the 30th October, 2006

S.O. 4294.—In exercise of the powers conferred by Section 3 of the Airports Authority of India Act, 1994 (No. 55 of 1994) the Central Government hereby appoints Shri K.N. Shrivastava, IAS, Joint Secretary, Ministry of Civil Aviation, as a part-time Member on the Board of Airports Authority of India *vice* Shri Sanjay Narayan, IAS, Joint Secretary, with immediate effect.

[No. AV-24015/005/94-VB]
SARWESH KUMAR ARYA, Under Secy.

जल संसाधन मंत्रालय

नई दिल्ली, 30 अक्टूबर, 2006

का.आ. 4295.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में राष्ट्रीय जल विकास अभिकरण के निम्नलिखित कार्यालयों को, जिसके 80% कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :--

1. अन्वेषण सर्किल, ग्वालियर
2. अन्वेषण प्रभाग, ग्वालियर

[संख्या 1/1/2005-हिन्दी]
राजकुमारी देव, संयुक्त निदेशक (रा.भा.)

MINISTRY OF WATER RESOURCES
New Delhi, the 30th October, 2006

S.O. 4295.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) The Central Government hereby notifies the following offices of National Water Development Agency, the 80% staff whereof have acquired working knowledge of Hindi :—

1. Investigation Circle, Gwalior,
2. Investigation Division, Gwalior

[No. 1/1/2005-Hindi]
RAJKUMARI DAVE, Jt. Director (OL)

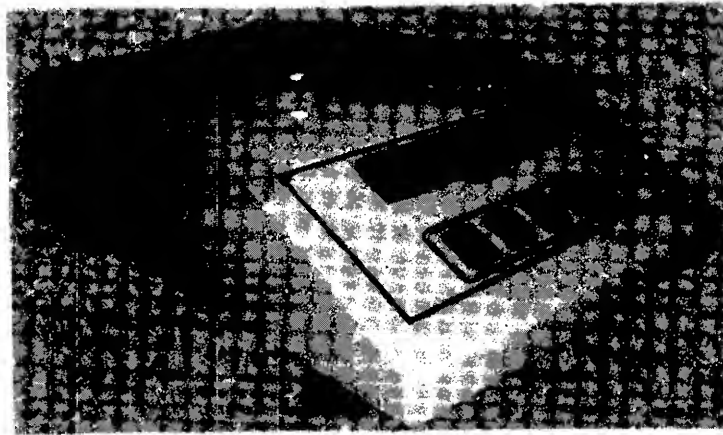
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4296.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जैन स्केल्स इंडस्ट्रीज, भवानीगढ़ रोड, समाना-147101, पटियाला, पंजाब द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-11) वाले "जे एस एच" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कुणाल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/426 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉडल, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(116)/2006]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

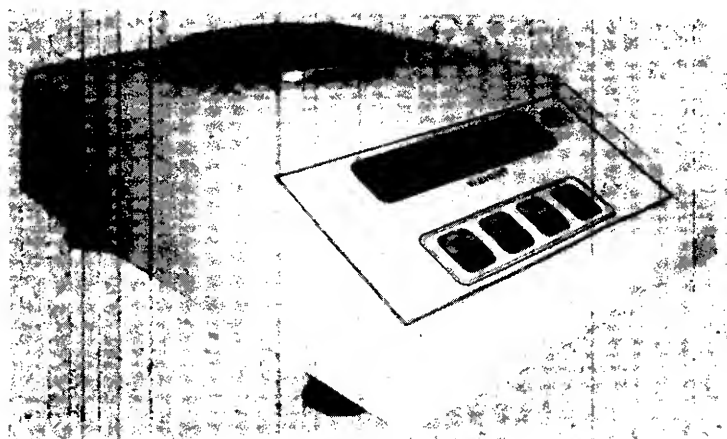
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 22nd September, 2006

S.O. 4296.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "JSH" series of high accuracy (Accuracy class II) with brand name "KUNAL" (herein after referred to as the said Model), manufactured by M/s. Jain Scales Industries, Bhawnigarh Road, Samana-147 101, Patiala, Punjab and which is assigned the approval mark IND/09/06/426;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance and of the same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

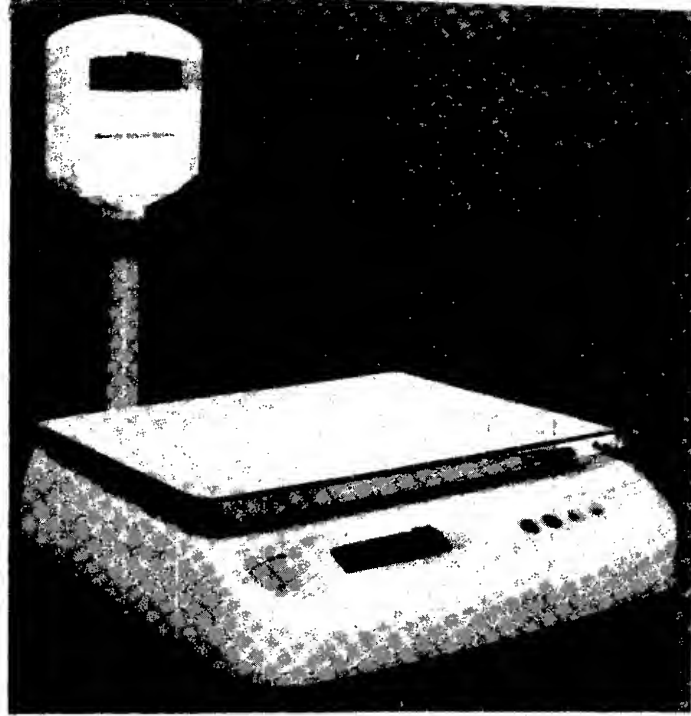
[F. No. WM-21(116)/2006]

R. MATHURBHOOTAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4297.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उससे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जैन स्केल्स इंडस्ट्रीज, भवानीगढ़ रोड, समाना-147101, पटियाला, पंजाब द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जे एस टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “कुणाल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/427 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित (टेबल टाप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन, सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

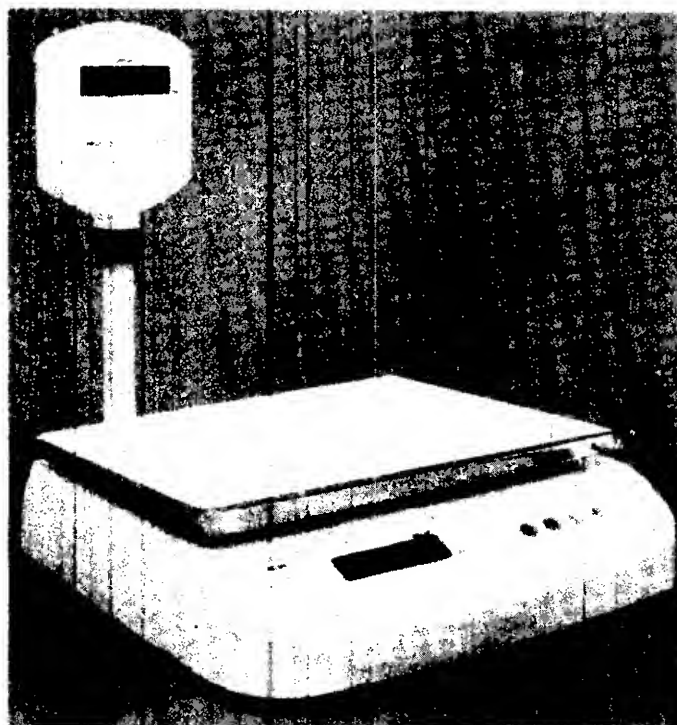
[फा. सं. डब्ल्यू एम-21(116)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4297.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "JST" series of medium accuracy (Accuracy class III) with brand name "KUNAL" (hereinafter referred to as the said Model), manufactured by M/s. Jain Scales Industries, Bhawnigarh Road, Samana-147 101, Patiala, Punjab and which is assigned the approval mark IND/09/06/427;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

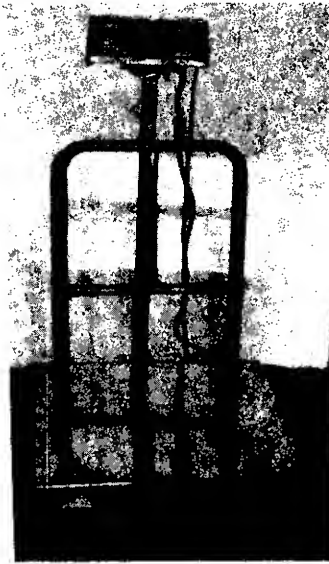
[F. No. WM-21(116)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

क्र.आ. 4298.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जैन स्केल्स इंडस्ट्रीज, भवानीगढ़ रोड, समाना-147101 पटियाला, पंजाब द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जे एस पी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “कुणाल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/428, समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यभालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

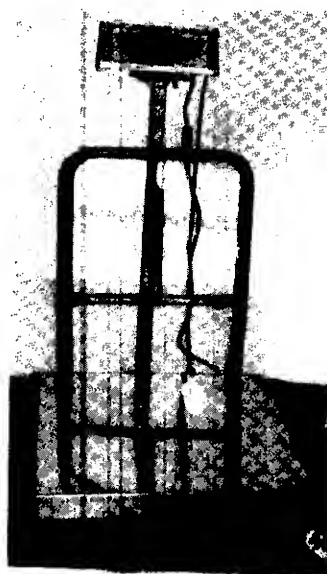
[फा. सं. डब्ल्यू एम-21(116)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4298.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) weighing instrument with digital indication of "JST" series of high accuracy (Accuracy class II) with brand name "KUNAL" (hereinafter referred to as the said Model), manufactured by M/s. Jain Scales Industries, Bhawnigarh Road, Samana-147 101, Patiala, Punjab and which is assigned the approval mark IND/09/06/428;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2 Kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 Kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

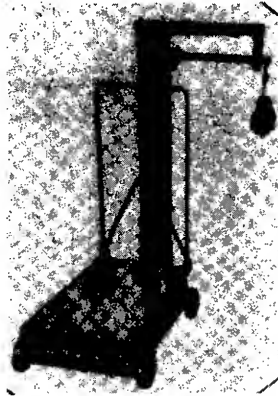
[F. No. WM-21(116)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4299.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जैन स्केल्स इंडस्ट्रीज, भवानीगढ़ रोड, समाना-147101 पटियाला, पंजाब द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जे एस एम पी” शृंखला के एनालाग सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रो-व्हेट प्रकार) के मॉडल का, जिसके ब्रांड का नाम “कुणाल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/429 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित (प्लेटफार्म-प्रो-व्हेट प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदीय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

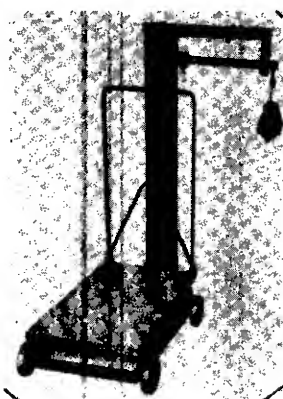
[फा. सं. डब्ल्यू एम-21(116)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4299.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform Type Pro-weight type) with analogue indication of Medium accuracy (Accuracy class III) of Series "JSMP" and with brand name "KUNAL" (hereinafter referred to as the said Model), manufactured by M/s. Jain Scales Industries, Bhawnigarh Road, Samana-147101, Patiala, Punjab and which is assigned the approval mark IND/09/06/429;



The said Model is a mechanical type lever based non-automatic weighing instrument (platform Type-pro weight type) with a maximum capacity of 300 kg. and minimum capacity of 2 Kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000 Kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

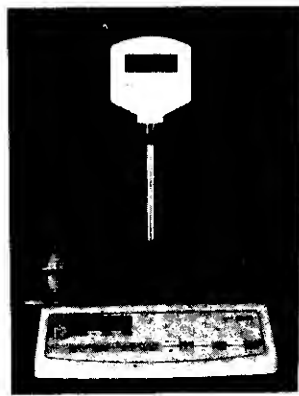
[F. No. WM-21(116)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4300.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिंघाई इलेक्ट्रॉनिक सेल्स कॉर्पोरेशन, 290, जवाहर गंज, नमक मन्डी, सागर, एम. पी. द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एस ई टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “नोकिया” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/387 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में माप मान (एव) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(149)/2006]

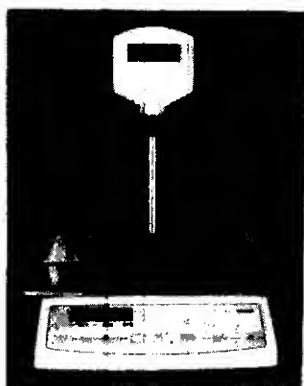
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4300.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type) with digital indication of "SET" series of high accuracy (Accuracy class II) with brand name "NOKIYA" (hereinafter referred to as the said Model), manufactured by M/s. Singhai Electronic Sales Corporation, 290, Jawahar Ganj, Namak Mandi, Sagar, M. P. and which is assigned the approval mark IND/09/06/387;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity upto 50 kg. and number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

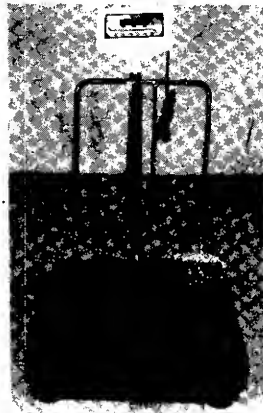
[F. No. WM-21(149)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4301.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिंघाई इलैक्ट्रॉनिक सेल्स कार्पोरेशन, 290, जवाहर गंज, नमक मन्डी, सागर, एम. पी. द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस ई पी” शृंखला के अंकक सूचन सहित स्वतः सूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “नोकिया” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/388 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा त्रिद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(149)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4301.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SEP" series of medium accuracy (Accuracy class III) and with brand name "NOKIYA" (hereinafter referred to as the said Model), manufactured by M/s. Singhai Electronic Sales Corporation, 290, Jawahar Ganj, Namak Mandi, Sagar, M. P. and which is assigned the approval mark IND/09/06/388;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

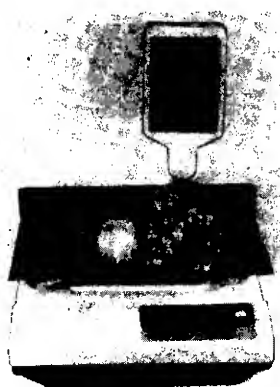
[F. No. WM-21(149)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4302.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सन शाइन इंडस्ट्रीज, एफ-30, भाद्राबाद इन्डस्ट्रियल एस्टेट, हरिद्वार, उत्तरांचल द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “टी टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “आयोटा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/430 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लाड सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार का) है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यूएम-21(150)/2006]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4302.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type) with digital indication of "TT" series of high accuracy (Accuracy class II) and with brand name "IOTA" (herein after referred to as the said Model), manufactured by M/s. Sun Shine Industries, F-30, Bhadrad Ind. Estate, Haridwar, Uttranchal and which is assigned the approval mark IND/09/06/430;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 15 kg. and minimum capacity of 50 g. The verification scale interval (e) is 1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

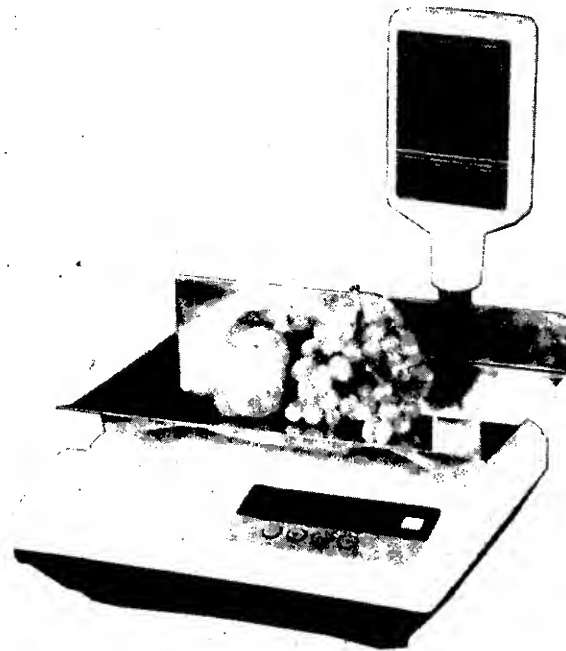
[F. No. WM-21(150)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4303.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सन शाइन इंडस्ट्रीज, एफ-30, भाद्राबाद इन्डस्ट्रियल एस्टेट, हरिद्वार, उत्तरांचल द्वारा निर्मित मध्यम (यथार्थता वर्ग-III) वाले "सी एस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आयोटा" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/431 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अंकक सूचन सहित लोड सेल के सिद्धांत पर कार्य करने वाला अस्वचालित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

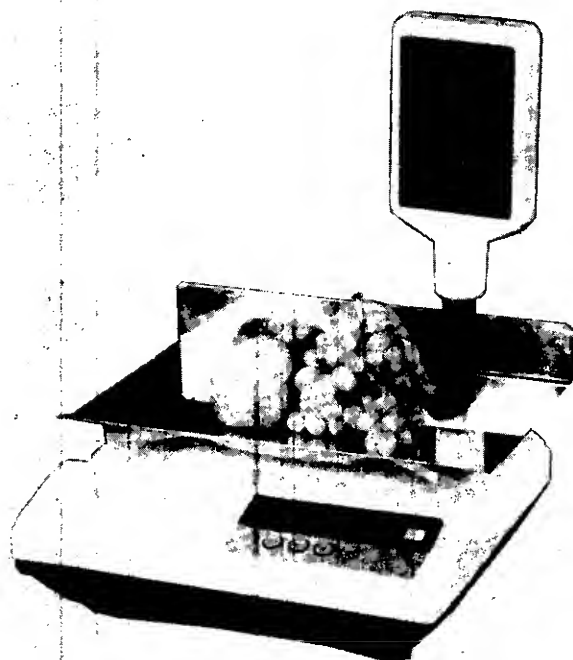
[फा. सं. डब्ल्यू एम-21(150)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4303.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "CS" series of medium accuracy (Accuracy class III) and with brand name "IOTA" (herein referred to as the said Model), manufactured by M/s. Sun Shine Industries, F-30, Bhadrabad Ind. Estate, Haridwar, Uttranchal and which is assigned the approval mark IND/09/06/431;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2 g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

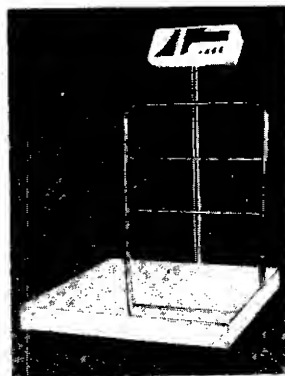
[F. No. WM-21(150)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4304.—केन्द्रीय सरकार का, विहित-प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय, सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सन शाइन इंडस्ट्रीज, एफ-30, भाद्राबाद इन्डस्ट्रियल एस्टेट, हरिद्वार, उत्तरांचल द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस एस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आयोटा" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/432 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

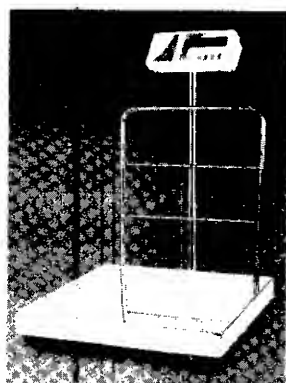
[फा. सं. डब्ल्यू एम-21(150)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4804.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "SS" series of High accuracy (Accuracy class II) and with brand name "IOTA" (herein referred to as the said Model), manufactured by M/s. Sun Shine Industries, F-30, Bhadrabad Ind. Estate, Haridwar, Uttranchal and which is assigned the approval mark IND/09/06/432;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 5kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50 kg and up to 5000kg and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(150)/2006]

R. MATHURBHOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4305.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सन शाइन इंडस्ट्रीज, एफ-30, भाद्राबाद इन्डस्ट्रियल एस्टेट, हरिद्वार, उत्तरांचल द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी एस" शृंखला के अंकक सूचन सहित स्वतःसूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल को, जिसके ब्रांड का नाम "आयोटा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/433 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गैज प्रकार का लोड सैल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

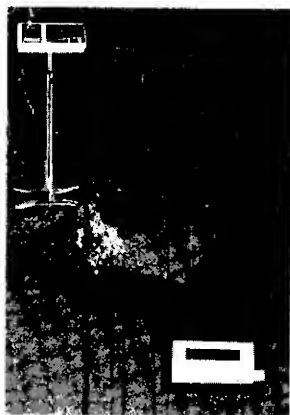
[फा. सं. डब्ल्यू एम-21(150)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4305.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of "PS" series of medium accuracy (Accuracy class III) and with brand name "IOTA" (hereinreferred to as the said Model), manufactured by M/s. Sun Shine Industries, F-30, Bhadrabad Ind. Estate, Haridwar, Uttranchal and which is assigned the approval mark IND/09/06/433;



The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

[F. No. WM-21(150)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4306.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स समर्पण फेब्रीकेटर्स प्राइवेट लिमिटेड, प्लॉट नं. ए/182-183, रोड नं. 16/जैड, वाग्ले एस्टेट, थाणे (वेस्ट)-400 604 महाराष्ट्र द्वारा निर्मित यथार्थता वर्ग, रिफ (x), जहां $x=1$ वाले “एस ए एम पी आर ई-10” शृंखला के आटोमैटिक ग्रेवीमीट्रिक फिलिंग उपकरण (व्हे फिलर) के मॉडल का, जिसके ब्रांड का नाम “समर्पण” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/386 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित स्वचालित ग्रेवीमीट्रिक फिलिंग उपकरण (व्हे फिलर) है। इसकी अधिकतम क्षमता 10 कि.ग्रा. और अधिकतम क्षमता 5 फिल प्रति मिनट है। यह मशीन सहज प्रवाह वाले उत्पाद जैसे पानी, तेल, दूध, आदि को भरने के लिए तैयार की गई है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भा किया जाएगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/ परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 20 ग्रा. से 10 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं।

[यत् सं. डब्ल्यू १२६ (११)/२००६]

आर. माधुरबुध, निदेशक, वैश्व. माप विभाग

New Delhi, the 22nd September, 2006

S.O. 4306.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class, Ref. (x), where $x=1$ of 'SAMPRE-10' series with brand name "Samarpan" (herein referred to as the said Model), manufactured by M/s. Samarpan Fabricators Pvt. Ltd., Plot No. A/182-183, Road No. 16/Z, Wagle Estate, Thane (West)-400 004, Maharashtra and which is assigned the approval mark IND/09/06/386;



The said Model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler). Its maximum capacity is 10kg. Its Maximum fill rate is 5 fills per minute. The machine is designed for filling the free flowing products like water, oil, milk etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 20g to 10 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

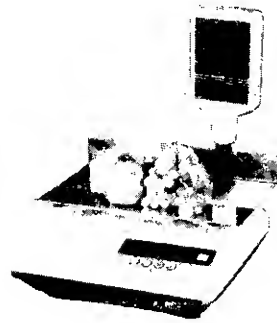
[F. No. WM-21(119)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4307.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोता इंजीनियरिंग वर्क्स, 15 ए, सम्राट इंडस्ट्रीयल एरिया, सिलवर मोटर के सामने, बी/एच टी वर्कशॉप, लिमडा लेन, राजकोट, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एस यू टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सनराइज” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/434 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

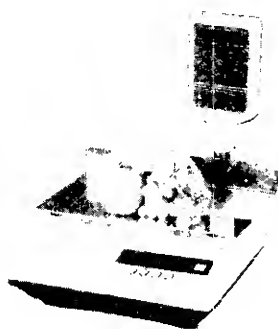
[फा. सं. डब्ल्यू एम-21(135)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4307.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "SUT" series of high accuracy (Accuracy class-II) with brand-name "SUNRISE" (hereinafter referred to as the said Model), manufactured by M/s. Meeta Eng. Works, 15 A, Samrat Ind. Area, Opp. Silver Motor, B/h S.T. Work Shop, Limda Lane, Rajkot, Gujarat and which is assigned the approval mark IND/09/06/434;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply ;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc, before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

[F. No. WM-21(135)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4308.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मीता इंजिनियरिंग वर्क्स, 15 ए, सम्राट इंडस्ट्रीयल एरिया, सिलवर मोटर के सामने, बी/एच टी वर्कशाप, लिमडा लेन, राजकोट, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस पी एफ” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सनराइज” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/435 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सैल आधारित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धित नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 500 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(135)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2006

S.O. 4308.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "SPF" series of medium accuracy, (Accuracy class-III) and with brand name "SUNRISE" (herein after referred to as the said model), manufactured by M/s Meeta Eng. Works, 15A, Samrat Ind. Area, Opp. Silver Motor, B/h S.T. Work Shop, Limda Lane Rajkot, Gujarat and which is assigned the approval mark IND/09/06/435;



The said model is strain gauge type load cell based weighing instrument with a maximum capacity of 1,000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and upto 5,000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model have been manufactured

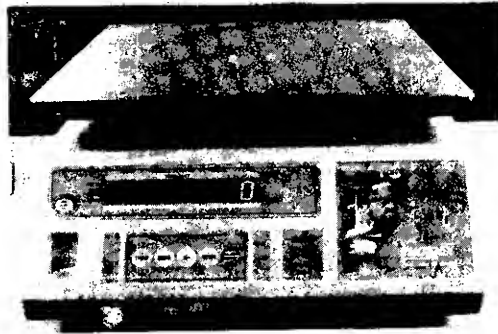
[F. No. WM-21(135)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का. आ. 4309.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियरिंग प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डिलाइसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एन ई” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फोनक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/437 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। स्टाम्पिंग प्लेट के मुद्रांकन के अनिवारित मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉडल, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(178)/2006]

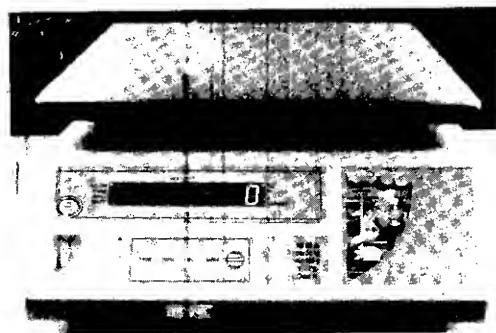
आर. माधुरबोधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 2006

S.O. 4309.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table Top type) with digital indication of "NE" series of high accuracy (Accuracy class-II) and with brand name "PHOENIX" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N. M. Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/437;

The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2 g. It has a tare device with a 100 percent subtractive retained tare effect. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

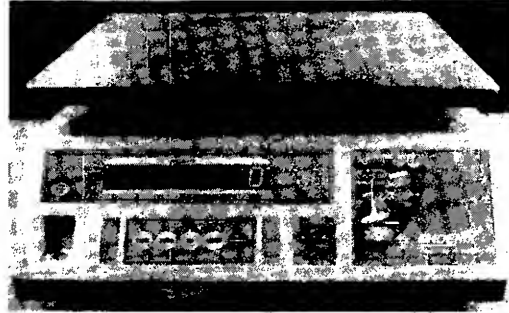
[F. No. WM-21(178)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का. आ. 4310.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियरिंग प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन. एम. जोशी मार्ग, डिलाइसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एन ई” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फोनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन दि. आई एन डी/09/06/438 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यावकलनात्मक धारित आधेयतुलन प्रभाव है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यक्षमता के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाला है और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[का. सं. डस्. एन. (1/8)/2006]

आर. माथुरब्रूम, निदेशक, वि. प्र. माप विभाग

New Delhi, the 29th September, 2006

S.O. 4310.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table Top type) with digital indication of "NE" series of medium accuracy (Accuracy class-III) and with brand name "PHONIX" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N. M. Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/438;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of, verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and (e) value of the form 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

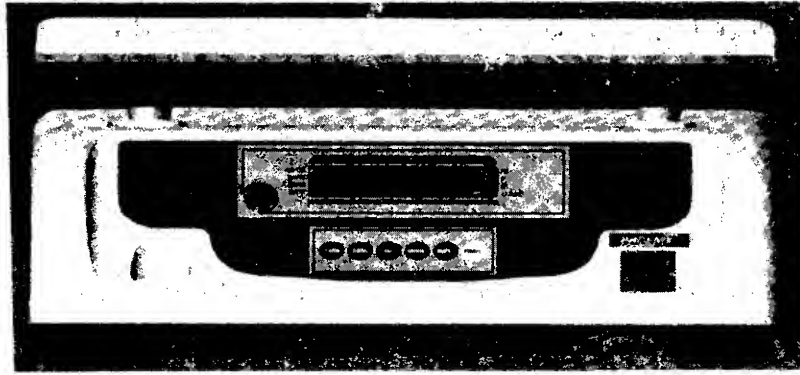
[F. No. WM-21(178)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का. आ. 4311.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियरिंग प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन. एम. जोशी मार्ग, डिलाईसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एन ई डब्ल्यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फोनिकस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/447 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कंपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्धन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(166)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

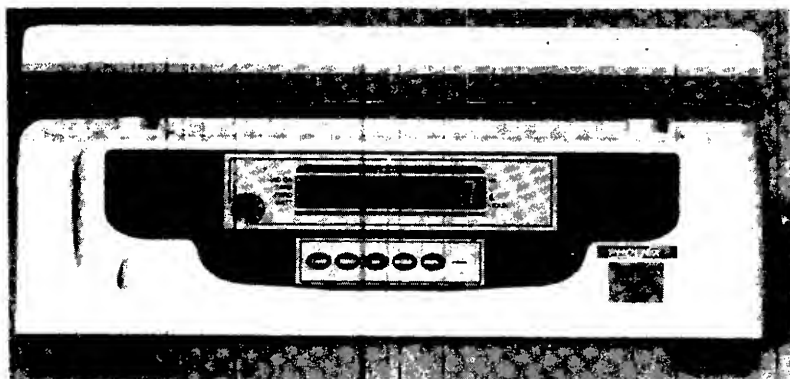
New Delhi, the 29th September, 2006

S.O. 4311.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table Top type) with digital indication of "NE" series of high accuracy (Accuracy class-II) and with brand name "PHOENIX" (herein referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N. M. Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/447;

The said Model is a strain gauge type load cell based weighing instrument (milk weigher with kg to litre conversion facility) with a maximum capacity of 30 kg. and minimum capacity of 100 kg. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light Emitting Diode (LED) display indicates the weighting result. The Instrument operates on 230 Volts and 50-Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for (e) value of 100 mg or more and (e) value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

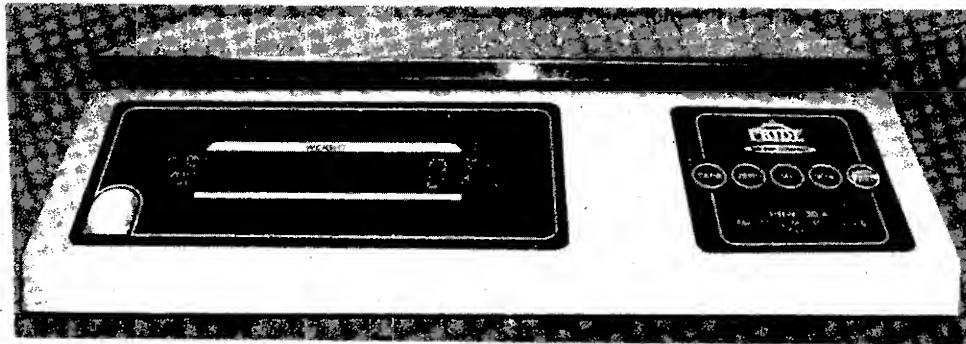
[F. No. WM-21(166)/2006]

.R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का. आ. 4312.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियरिंग प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डिलाइसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “पी आर डब्ल्यू” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “प्राइड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/445 समानुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और माडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , क हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(166)/2006]

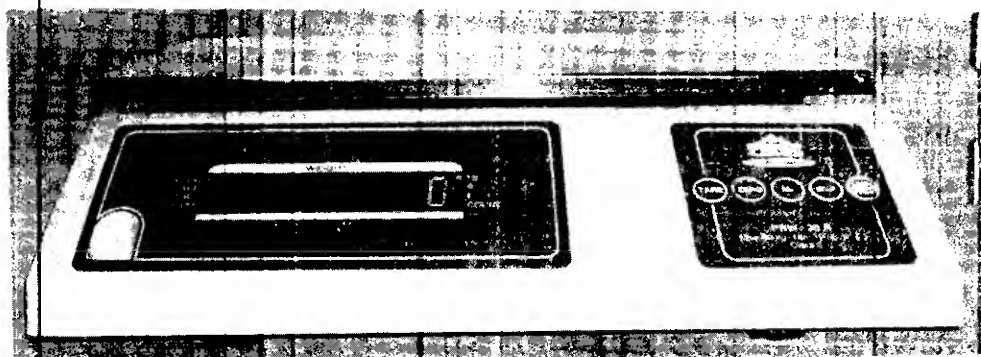
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 2006

S.O. 4312.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table Top type) with digital indication of "PRW" series of high accuracy (Accuracy class-II) and with brand name "PRIDE" (herein referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N M Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/445;

The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 100g. The verification scale interval (e) is 2 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The Instrument operate on 230 Volts and 50-Hertz alternate current power supply. In addition to scaling the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and (e) value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

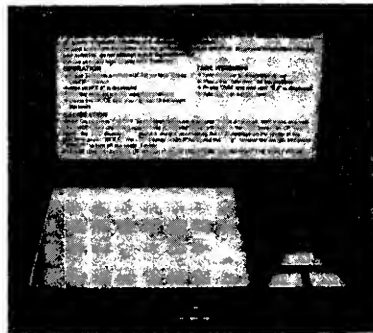
[F. No. WM-21(166)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का. आ. 4313.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डिलाइसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एन पी एस” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (पोकेट प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फोनिक्स” है (जिसे इसमें इससे पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/444 समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 ग्रा. और न्यूनतम क्षमता 5 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 0.1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण डी सी वोल्टेज या ए सी एडप्टर पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, बिष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(166)/2006]

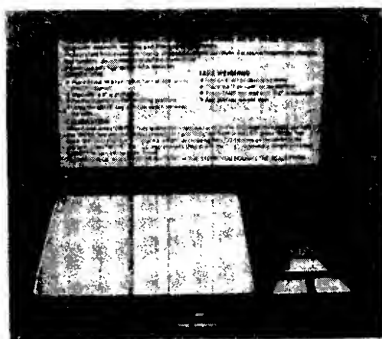
आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 2006

S.O. 4313.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Pocket type) with digital indication of "NPS" series of high accuracy (Accuracy class-II) and with brand name "PHOENIX" (hereinreferred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N. M. Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/444;

The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 500g. and minimum capacity of 5g. The verification scale interval (e) is 0.1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing result. The instrument operates on DC Voltage or AC adapter. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in a the range of 5,000 to 50,000 for 'e' value of 100 mg or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

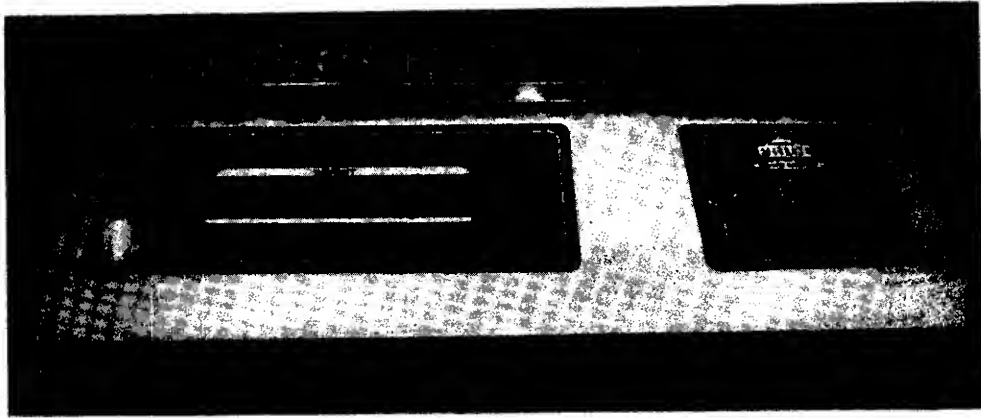
[F. No. WM-21(166)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का. आ. 4914.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डिलाइसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा निर्मित मध्यम (यथार्थता वर्ग-III) वाले “पी आर डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “प्राइड” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/446 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और माडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(166)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

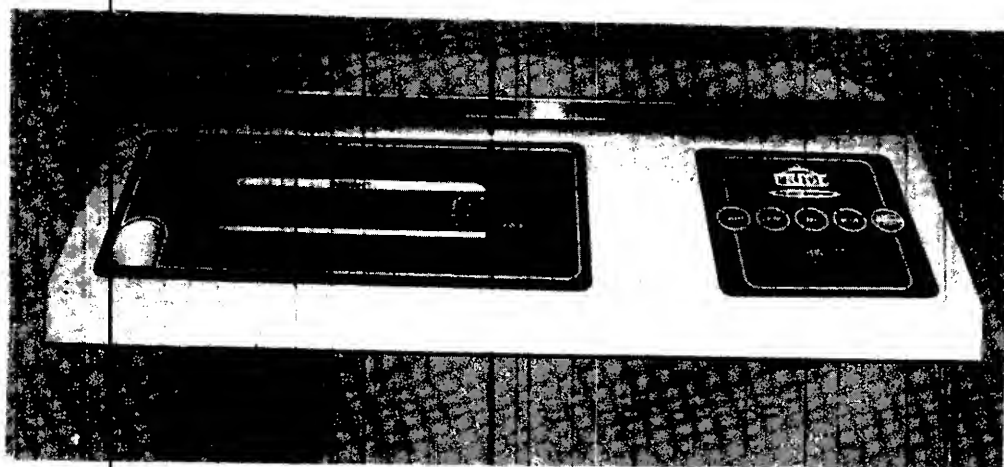
New Delhi, the 29th September, 2006

S.O. 4314.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "PRW" series of medium accuracy (Accuracy class-III) and with brand name "PRIDE" (herein referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N. M. Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/446;

The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for (e) value of 5g. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

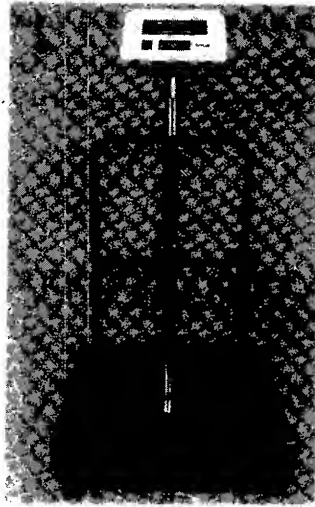
[F. No. WM-21(166)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का. आ. 4315.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियरिंग प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन. एम. जोशी मार्ग, डिलाइसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एन ई पी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फोनिक्स” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/448 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित (कि. ग्रा. से लीटर में बदलने की सुविधा सहित मिल्क बेयर) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि. ग्रा. और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के दैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(166)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 2006

S.O. 4315.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "NEP" series of High accuracy (Accuracy class-II) and with brand name "PHOENIX" (herein referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N. M. Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/448;

The said Model is a strain gauge type load cell based weighing instrument (milk weigher with kg to litre conversion facility) with a maximum capacity of 150kg. and minimum capacity of 500 g. The verification scale interval (e) is 10 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg. to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(166)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का.आ. 4316.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन. एम. जोशी मार्ग, डिलाईसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “पी जी एस” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फोनिकस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/443 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गैज प्रकार का लोड सैल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 ग्रा. और न्यूनतम क्षमता 20 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण डी सी वोल्टेज या ए सी एडप्टर पर कार्य करता है।

स्ट्याम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम-21(166)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 2006

S.O. 4316.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "PGS" series of high accuracy (Accuracy class II) and with brand name "PHOENIX" (herein referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha Building, N. M. Joshi Marg, Delisle Road, Mumbai-400011, Maharashtra and which is assigned the approval mark IND/09/06/443;

The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 20 g. and minimum capacity of 20mg. The verification scale interval (e) is 1 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing result. The instrument operates on DC Volts or AC adapter.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

[F. No. WM-21(166)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 सितम्बर, 2006

का.आ. 4317.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियरिंग प्राइवेट लिमिटेड, 306-ए, भाभा बिल्डिंग, एन. एम. जोशी मार्ग, डिलाइसिल रोड, मुम्बई-400011, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पी एच एस” शृंखला के अंकक सूचन सहित स्वतः सूचक, अस्वचालित तोलन उपकरण (हेंगिंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फोनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/449 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण डी सी वोल्टेज, या ए सी एडेप्टर पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(166)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

34449/06-7

New Delhi, the 29th September, 2006

S.O. 4317.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument Hanging type with digital indication of medium accuracy (Accuracy class-III) and brand "PHOENIX" and series "PHS" (hereinafter referred to as the said Model), manufactured by M/s. Nitiraj Engineers Private Limited, 306 A, Bhabha, Building, N. M. Joshi Marg, Delisle Road, Mumbai-400 011, Maharashtra and which is assigned the approval mark IND/09/06/449;

The said Model (see the figure given below) is a load cell based weighing instrument with a maximum capacity of 50 kg. and minimum capacity of 200 g. The verification scale interval (e) is 10 g. It has a tare device with 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing result. The instrument operates on DC Voltage or AC adapter.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms in of its material, accuracy, design, circuit diagram, working principle, etc., before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

[F. No. WM-21(166)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2006

का.आ. 4318.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मिडको लिमिटेड, प्लॉट नं. 39/44, स्कीम-6, रोड-2, सिओन (पूर्व) मुम्बई-400022 द्वारा निर्मित "एम एम एस" शृंखला के अंकक सूचन सहित, इलैक्ट्रॉनिक डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्रांड का नाम "मिडको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1089 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

उक्त मॉडल एक इलैक्ट्रॉनिक डिस्पेंसिंग पम्प है जिसमें दो पिस्टन हैं जो पेट्रोलियम उत्पादों को मापने के लिये लिनियर मोशन को रोटरी मोशन में परिवर्तित करते हैं। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। इसका प्रवाह दर 45 एल पी एम से 75 एल पी एम है इसकी अधिकायत आयत प्रदर्श क्षमता 9999.99 लीटर है और न्यूनतम प्रभाग 10 मि. लीटर है। आयत और मूल्य के लिये आटोमेटिक रिसेट और प्रिसेट डिवाइस है। मूल्य प्रदर्श 6 डिजिट का है।

[फा. सं. डब्ल्यू एम-21(230)/2005]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 2006

S.O. 4318.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Electronic Dispensing Pump of digital indication with brand name "MIDCO" of "MMS" series (hereinafter referred to as the said Model), manufactured by M/s. MIDCO Limited, Plot No. 39/44, Scheme-6, Road-2, Sion (E), Mumbai-400022, and which is assigned the approval mark IND/09/05/1089;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



The said model is an Electronic Dispensing Pump consisting two pistons converting linear motion in to rotary motion to measure the petroleum products. The indications of the measurements are display on LCD. It flow rate 45 lpm to 75 lpm. Its maximum volume indicating capacity is 9999.99 litres and smallest division is 10 ml. It has automatic reset and preset device by volume and price. The price indicated is of 6 digits.

[F. No. WM-21(230)/2005]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 अक्टूबर 2006

का.आ. 4319.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐसे टेरका लि. 377/22, 6 क्रोस विल्सन गार्डन, बेंगलूर-560 027 द्वारा निर्मित मध्यम (यथार्थता वर्ग-III) वाले "डी एस-75" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार-दोहरी रेंज) के माडल का, जिसके ब्रांड का नाम "ऐसे" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/442 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त माडल एक विकृति गैज प्रकार का लोड सैल आधारित अंकक सूचन सहित लोड सैल के सिद्धांत पर कार्य करने वाला अस्वचालित तोलन उपकरण (टेबल टोप प्रकार-दोहरी रेंज) है। इसकी अधिकतम क्षमता 6000 ग्रा. और न्यूनतम क्षमता 10 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 3 कि. ग्रा. तक 0.5 ग्रा. तथा 3 कि.ग्रा. से अधिक और 6 कि.ग्रा. तक 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(184)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th October, 2006

S.O. 4319.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type-dual range) with digital indication of "DS-75" series of medium accuracy (accuracy class-III) and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae Teraoka Ltd, 377/22, 6th Cross Wilson Garden, Bangalore-560 027 Karnataka and which is assigned the approval mark IND/09/06/442;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type-dual range) with a maximum capacity of 6000g and minimum capacity of 10g. The verification scale interval (e) is 0.5g up to 3kg and 1g above 3kg and up to 6kg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(184)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 6 अक्टूबर 2006

का.आ. 4320.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आवेरी इंडिया लिमिटेड, प्लॉट नं. 50-54, सेक्टर-25, बल्लभगढ़-121004, हरियाणा द्वारा विनिर्मित “आवेरी हाईलाइन” शृंखला के फ्यूल डिस्पेंसर के मॉडल का, जिसके ब्रांड का नाम “आवेरी इंडिया लि.” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1084 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक इलेक्ट्रॉनिक डिस्पेंसर वेट होज टाइप सिस्टम है जो पेट्रोल, अनलैड पेट्रोल डीजल आदि फ्यूल के लिये सिंगल या डबल होज के साथ उपयुक्त है। यह एक चार पिस्टन वाला पोजिटिव डिस्प्लेसमेंट मीटर है जिसमें सात डिजिट वाला नोन रिवेर्सिबिल टोटालाइजर लगा है। इसकी अधिकतम प्रवाह मात्रा 80 लीटर प्रति मिनट और न्यूनतम प्रवाह दर 4 लीटर प्रति मिनट है। न्यूनतम मापित दर 1 लीटर है। डिस्पेंसर 999.99 लीटर प्रदर्शित कर सकता है और इसका न्यूनतम प्रभाग 10 मि. लीटर है। तथा अधिकतम यूनिट मूल्य 99.99 है। अधिकतम मूल्य प्रदर्श 9999.99 है। लिक्विड क्रिस्टल डिस्प्ले (एलसीडी) प्रदर्श डिजिटल मात्रा उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। उपकरण की यथार्थता वर्ग 0.5 है।

स्ट्याम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

[फा. सं. डब्ल्यू एम-21(305)/2005]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th October, 2006

S.O. 4320.—Whereas the Central Government, after considering the report submitted to it along with the pattern evaluation report and test result granted and approved by the prescribed authority, a notified body for the purpose in the Russia, Federal Agency for Technical Regulation and Metrology of Russia is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the this proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves issues and publishes the certificate of approval of Model of Fuel Dispensars (hereinafter referred to as said model) of series "Avery Highline" with brand name "Avery India Ltd.", manufactured by M/s. Avery India Limited Plot No. 50, 54, Sector 25, Ballabgarh-121004, Haryana and which is assigned the approval mark IND/13/05/1084;



The said model is an electronic dispenser wet hose type system suitable for fuel like petrol. Unleaded petrol, Diesel etc. with single or double hose. It is a four piston type positive displacement meter along with seven digit non-reversible totalizer. Its maximum flow rate is 80 litre per minute and minimum flow rate is 4 litre/min. Minimum measured quantity = 1 litre. The dispenser can indicate up to 999.99 litres with smallest division of 10ml. with maximum unit price Rs. 99.99. The maximum price indication is up to Rs. 9999.99. The delivered quantity is indicated by liquid crystal (LCD) type display. The instrument operates on 230 Volts, 50 Hertz alternative current power supply. The instrument belongs to accuracy class 0.5.

In addition to sealing the stamping plate, machine shall be sealed to prevent the opening for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

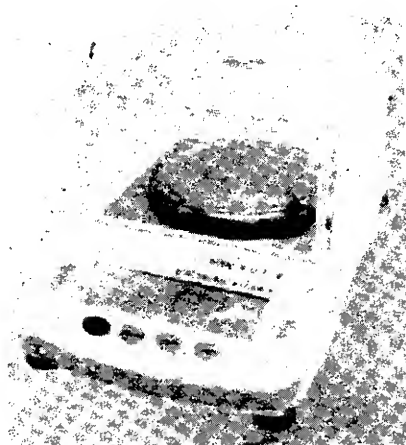
[F. No. WM-21(305)/2005]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 अक्टूबर, 2006

का.आ. 4321.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लार्स मार्केटिंग, नं. 205, गुरुग्रामदास भवन, ए-3/ए-4, रंजीत नगर, कमर्शियल काम्प्लैक्स, नई दिल्ली द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'डब्ल्यू जे' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेडॉट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/408 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 500 मि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

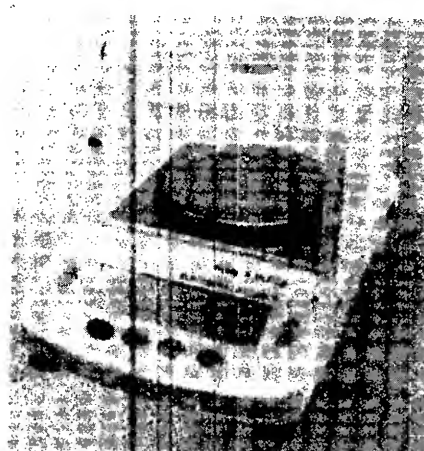
[फा. सं. डब्ल्यू एम-21(174)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th October, 2006

S.O. 4321.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of High accuracy (Accuracy class II) of series "WJ" and with brand name "WEIGHDOT" (hereinafter referred to as the said Model), manufactured by M/s. Lars Marketing, No. 205 Gururam Das Bhawan, A-3/A-4, Ranjit Nagar Commercial Complex, New Delhi and which is assigned the approval mark IND/09/06/408;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 300g. and minimum capacity of 500mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc, before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

[F. No. WM-21(174)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2006

का.आ. 4322.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स देवी श्री मुद्रन (प्रा.) लि., 900, एम आई ई, बहादुरगढ़, हरियाणा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एम पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/331 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(151)/2006]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2006

S.O. 4322.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "MP" series of High accuracy (Accuracy class-II) and with brand name "MAX" (herein after referred to as the said Model), manufactured by M/s. Devi Shree Mudran (P) Ltd., 900, MIE, Bahadurgarh, Haryana and which is assigned the approval mark IND/09/06/331;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2.5 kg. The verification scale interval $a(e)$ is 50g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity ranging above 50 kg. to 5000kg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

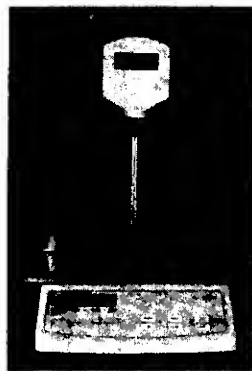
[F. No. WM-21(151)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2006

का.आ. 4324.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडियन वेइंग सिस्टम्स, # 15 प्रथम तल, श्री निलयम, बी.एफ. डब्ल्यू, लेआउट, लागेरे, बेंगलोर-560058, कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “आई डब्ल्यू एस- पी टी” शृंखला के अंकक सूचना सहित स्वतः सूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इंडियन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/453 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉप्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

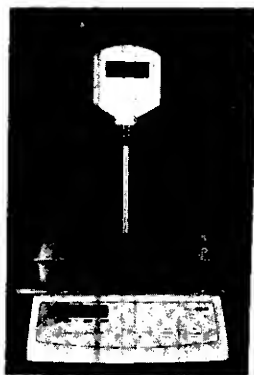
[फा. सं. डब्ल्यू एम-21(159)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2006

S.O. 4323.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop Type) with digital indication of "MT" series of High accuracy (Accuracy class II) and with brand name "MAX" (herein after referred to as the said Model), manufactured by M/s. Devi Shree Mudran (P) Ltd., 900, MIE, Bahadurgarh, Haryana and which is assigned the approval mark IND/09/06/330;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(151)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2006

का.आ. 4324.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडियन वेइंग सिस्टम्स, # 15 प्रथम तल, श्री निलयम, बी.एफ. डब्ल्यू, लेआउट, लागेरे, बेंगलोर-560058, कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “आई डब्ल्यू एस- पी टी” शृंखला के अंकक सूचना सहित स्वतः सूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इंडियन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/453 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(159)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2006

S.O. 4324.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication medium accuracy (Accuracy class III) of series "IWS-PT" and with brand name "INDIAN" (hereinafter referred to as the said Model), manufactured by M/s. Indian Weighing Systems, # 15, 1st Floor, Shree Nilyam, B.F.W. Layout, Laggere, Bangalore-560058, Karnataka and which is assigned the approval mark IND/09/06/453;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

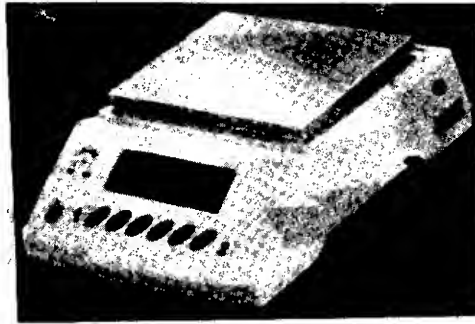
[F. No. WM-21(159)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2006

का.आ. 4325.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडियन वेइंग सिस्टम्स, # 15, प्रथम तल, श्री निलयम, बी. एफ. डब्ल्यू, लेआउट, लागेरे, बेंगलोर-560058, कर्नाटक द्वारा विनिर्मित मध्यम (यथार्थता वर्ग-III) वाले "आई डब्ल्यू एस- पी टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इंडियन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/454 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का लोड सैल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

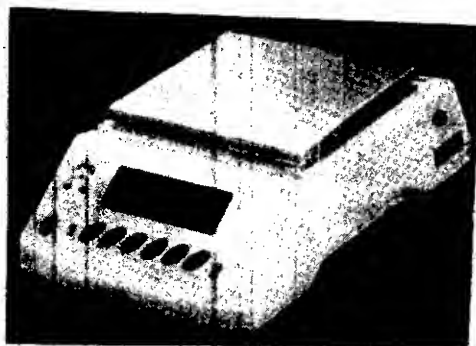
[फा. सं. डब्ल्यू एम-21(159)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2006

S.O. 4325.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the of Model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class III) of series "TWS-TB" and with brand name "INDIAN" (herein referred to as the said Model), manufactured by M/s. India Weighing Systems, # 15, 1st Floor, Shree Nilyam, B.F.W. Layout, Laggere, Bangalore-560058, Karnataka and which is assigned the approval mark IND/09/06/454;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instruments operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall no be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

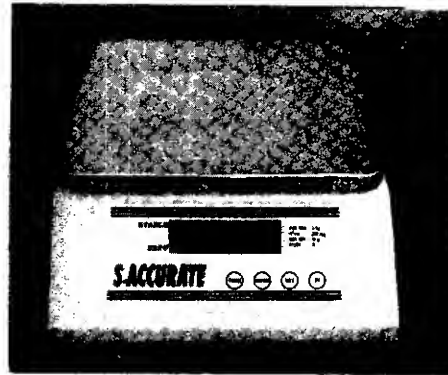
[F. No. WM-21(159)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 13 अक्टूबर, 2006

का.आ. 4326.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सोनी इलैक्ट्रॉनिक्स, प्लाट नं. जे-22, शर्मा कालोनी, 22-गोडाम, जयपुर, राजस्थान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस ए एच" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एस-एक्यूरेट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/362 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 3 कि.ग्रा. और न्यूनतम क्षमता 10 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th October, 2006

S.O. 4326.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class II) of series "SAH" and with brand name "S-ACCURATE" (hereinafter referred to as the said Model), manufactured by M/s. Sony Electronics, Plot No. J-22, Sharma Colony, 22 Godam, Jaipur, Rajasthan and which is assigned the approval mark IND/09/06/362.



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 3 kg. and minimum capacity of 10 g. The verification scale interval (e) is 200mg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms, in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument, of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

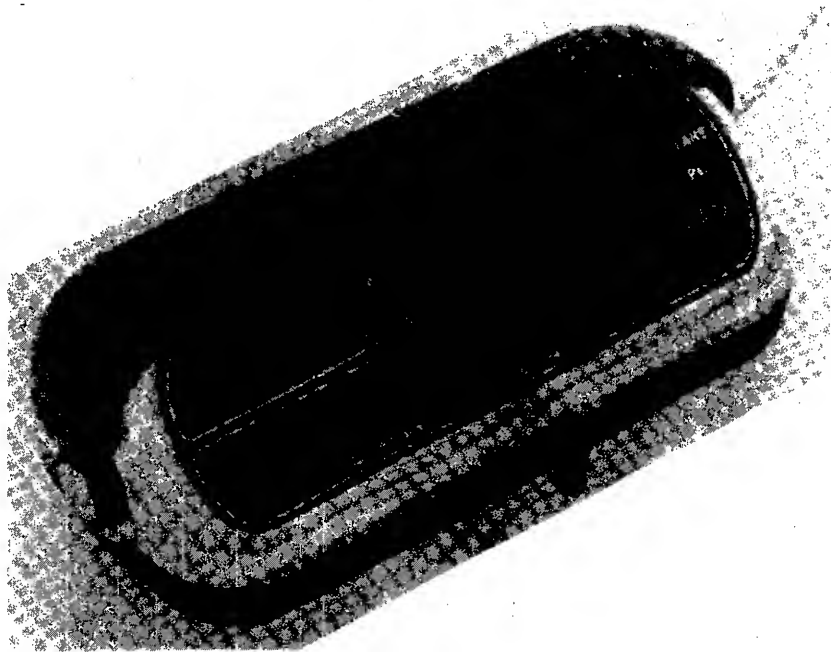
[F. No. WM-21(114)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 अक्टूबर, 2006

का.आ. 4327.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्टैंडर्ड मीटर मेनुफेक्चरिंग कम्पनी, 102/ए, हादसपुर इण्डस्ट्रीयल एस्टेट, पुणे-411 013, महाराष्ट्र द्वारा निर्मित “ई-004/05 साही” शृंखला के अंकक सूचन सहित टैक्सी मीटर के मॉडल का, जिसके ब्रांड का नाम “स्टैंडर्ड इलेक्ट्रॉनिक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/472 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल अंकक सूचन के सहित एक टैक्सी मीटर है, जिसमें दूरी और समय मापने की युक्ति समाविष्ट है। यह निरंतर योग करता है तथा यात्रा के किसी भी क्षण पर यात्री द्वारा संदेय प्रभार प्रदर्शित करता है। “संदेय किराया” कतिपय गति से ऊपर तय की गई दूरी तथा उस गति से नीचे लगे समय सीमा का फलनक है। मीटर का पठन सात खण्ड का प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा उपदर्शित किया जाता है। यह 12 वोल्ट डी सी पर कार्य करता है। मीटर का “के” घटक 1400 पल्स/किलोमीटर है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

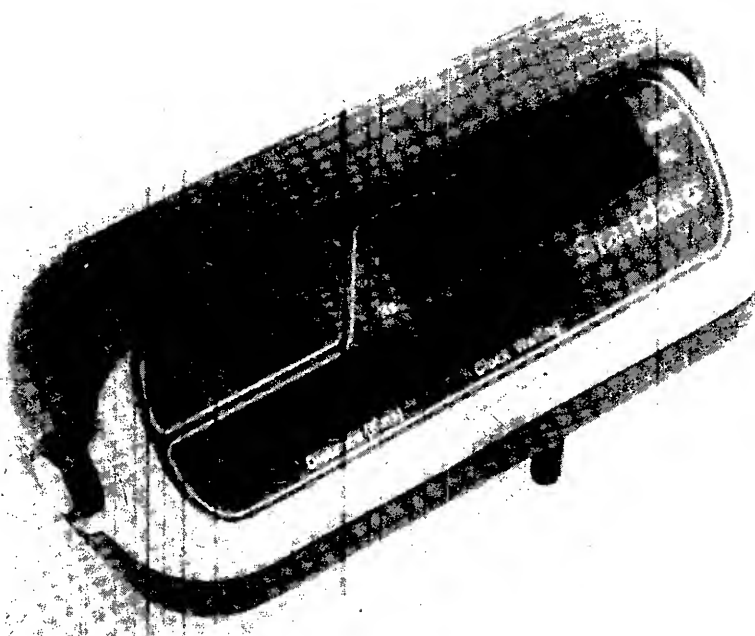
[फा. सं. डब्ल्यू एम-21(186)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th October, 2006

S.O. 4327.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model (see the figure given below) described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of "Taxi Meter" with digital indication (hereinafter referred to as the said model) of "E-004/05 SAHI" series with brand name "STANDARD ELECTRONIC" manufactured by M/s. Standard Meter Manufacturing Company, 102/A, Hadapsar Industrial Estate, Hadapsar, Pune-411 013, Maharashtra and which is assigned the approval mark IND/09/06/472;



The said model of "Taxi Meter" is a time and distance measuring instrument which totalizes continuously and indicate the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance traveled, and below a certain speed on the length of the time taken; this being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by seven segment Light Emitting Diode(LED) and the power supply is 12V DC. The 'K' factor of the Taxi meter is 1400 pulses per kilometer.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit, working principle etc. before or after sale.

[F. No. WM-21(186)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 17 अक्टूबर, 2006

का.आ. 4328.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 15683:2006 सुबाहय अग्नि शामक-कार्यक्षमता और निर्माण-विशिष्ट	—	31 अगस्त 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ :सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 17th October, 2006

S.O. 4328.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1	IS 15683:2006 Portable Fire Extinguishers-Performance and Construction-Specification	—	31 August, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmendabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram

[Ref: CED/Gazette]

A. K. SAINI, Sc'F & Head (Civil Engg.)

नई दिल्ली, 23 अक्टूबर, 2006

का.आ. 4329.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गए हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 13385:1992	संशोधन संख्या 6, सितम्बर, 2006	19 अक्टूबर 2006
2	आई एस 13386:1992	संशोधन संख्या 7, सितम्बर 2006	19 अक्टूबर 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 23rd October, 2006

S.O. 4329.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of The amendment	Date of from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 13385:1992	Amendment No. 6, September 2006	19 October 2006
2	IS 13386:1992	Amendment No. 7, September 2006	19 October 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc'F' & Head (Civil Engg.)

नई दिल्ली, 26 अक्टूबर, 2006

का.आ. 4330.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	3308:1981	संख्या 2, सितम्बर, 2006	17 अक्टूबर 2006
2.	4490:1993	संख्या 5, सितम्बर 2006	10 अक्टूबर 2006
3.	12823:1990	संख्या 7, सितम्बर, 2006	20 अक्टूबर 2006
4.	14587:1998	संख्या 5, सितम्बर 2006	26 अक्टूबर 2006

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 26th October, 2006

S.O. 4330.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	3308:1981	No. 2, September, 2006	17 October, 2006
2.	4490:1993-	No. 5, September, 2006	10 October, 2006
3.	12823:1990	No. 7, September, 2006	20 October, 2006
4.	14587:1998	No. 5, September, 2006	26 October, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 26 अक्टूबर, 2006

का.आ. 4331.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 208 : 1996	संशोधन संख्या 3, सितम्बर, 2006	19 अक्टूबर, 2006

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 26th October, 2006

S.O. 4331.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 208:1996	Amendment No. 3, September, 2006	19 October, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch

3444GI/06-10

Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 26 अक्टूबर, 2006

का.आ. 4332.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 940 : 2003	संशोधन संख्या 3, सितम्बर, 2006	26 अक्टूबर, 2006
2.	आई एस 10658 : 1999	संशोधन संख्या 6, सितम्बर, 2006	20 अक्टूबर, 2006
3.	आई एस 11833 : 1986	संशोधन संख्या 2, सितम्बर, 2006	19 अक्टूबर, 2006

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सेनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 26th October, 2006

S.O. 4332.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 940 : 2003	Amendment No. 3, September, 2006	26 October, 2006
2.	IS 10658 : 1999	Amendment No. 6, September, 2006	20 October, 2006
3.	IS 11833 : 1986	Amendment No. 2, September, 2006	19 October, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 नवम्बर, 2006

का. आ. 4333.—तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की उपधारा (3) के खण्ड 3 द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित अधिकारियों को, उनके नाम के सामने लिखित अवधि तक या अगले आदेश जारी होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड के सदस्य के रूप में नियुक्त करती है:

		से	तक
1	श्री डी एन नरसिम्हा राजू संयुक्त सचिव (अवेषण) पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय	6.10.2006	5.10.2008
2	श्री एस. बहुरिया अध्यक्ष इंडियन ऑयल कॉर्पोरेशन लिमिटेड	1.7.2006	30.6.2008

[फा. सं. जी-35012/2/91-वित्त-II]

प्रकाश निवेतिया, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 6th November, 2006

S. O. 4333.—In exercise of the powers conferred by Sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints/re-appoints the following officers as Members of the Oil Industry Development Board for the period shown against their names or until further orders, whichever is earlier :

		<u>From</u>	<u>To</u>
1.	Shri D.N. Narasimha Raju, Joint Secretary(Exploration), Ministry of Petroleum & Natural Gas	6.10.2006	5.10.2008
2.	Shri S. Behuria, Chairman, Indian Oil Corporation Limited	1.7.2006	30.6.2008

[F. No. G-35012/2/91-Fin.-II]
PRAKASH NEVATIA, Under Secy.

नई दिल्ली, 7 नवम्बर, 2006

का. आ. 4334.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 48/25 तारीख 28 दिसम्बर, 2005 द्वारा उस अधिसूचना से संलग्न अनुसूची में, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, पूर्ववत् मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड जिसका तत्पश्चात् पुनःनामकरण मैसर्स रिलायन्स गैस पाइपलाइन्स लिमिटेड किया गया, की जामनगर - भोपाल और काकीनाडा - हैदराबाद - गोवा पाइपलाइन को आपस में जोड़ने के लिए मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड को एक पाइपलाइन विछाने के प्रयोजन के लिए उक्त अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 21 अप्रैल, 2006 से 13 जून, 2006 तक उपलब्ध करा दी गई थी;

और पाइपलाइन विछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अनुसूचित कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, में निहित होगा।

अनुसूची

तहसील : चोयासी	जिला : सुरत	राज्य : गुजरात		
		आर ओ यु अर्जित करने के लिये क्षेत्रफल		
		हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5
1. कछोली	122	00	01	55
	118	00	02	85
	115	00	15	67
	114	00	10	26
	113	00	00	09
	112	00	30	00
	110	00	12	33
	88	00	28	50
	87	00	08	99

तहसील : पलसाना	जिला : सुरत	राज्य : गुजरात		
गोध का नाम	सर्वे नवर / ब्लॉक नं	आर ओ यु अर्जित करने के लिये क्षेत्रफल		
		हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5

1. अत्रोली 298 00 20 47

तहसील : कामरेज	जिला : सुरत	राज्य : गुजरात		
गोध का नाम	सर्वे नवर / ब्लॉक नं	आर ओ यु अर्जित करने के लिये क्षेत्रफल		
		हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5

1. वेलंजा 278 00 55 08
276 00 38 27
277 00 01 42

तहसील : ओलपाड	जिला : सुरत	राज्य : गुजरात		
गोध का नाम	सर्वे नवर / ब्लॉक नं	आर ओ यु अर्जित करने के लिये क्षेत्रफल		
		हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5

1. कारेली 106 00 21 62
109 00 21 30
110 00 80 55
84 00 39 15
86 00 89 83
74 00 45 93
75/अ 00 29 85
75/ब 00 01 51
63/अ 00 10 05
63/ब 00 63 44
62 00 14 04
61 00 31 63
7/अ 00 21 06
7/ब/पि/1 00 36 09
7/ब/पि/2 00 16 84
12 00 12 86
13/अ 00 17 47
13/ब 00 13 58
31 00 02 30
30 00 14 55
29 00 07 02
28 00 00 72
39 00 18 51
38 00 38 78
41/पि/1 00 01 74
341 00 16 36
340 00 16 53
325 00 00 04
339 00 15 07
335 00 13 66
336 00 00 57
334/अ 00 12 08
334/ब 00 10 57
331 00 01 26
332 00 24 76
313 00 62 03
291/अ 00 23 40
291/ब 00 05 84
298 00 62 70

1	2	3	4	5
2. स्यादला	124	00	16	00
	119	00	02	05
	123	00	64	50
	121	00	17	34
	117	00	59	88
	115	00	55	92
	95	00	20	19
	96	00	93	15
	97/अ	00	43	72
	97/व	00	15	01
	83	00	59	85
	81	00	03	27
	82	00	04	88
	77	00	00	14
3. सिमलथु	146/पि/2	00	48	77
	145/पि/1	00	19	55
	145/पि/2	00	07	26
	144	00	23	47
	142	00	20	66
	141	00	47	83
4. वोलाव	102/पि/1	00	62	86
	99	00	00	99
	150	00	37	65
	97	00	32	62
	98	00	64	94
	128	00	45	72
	127	00	02	07
	129	00	24	69
	313	00	38	57
	137/अ	00	05	59
	137/व	00	15	57
	137/क	00	25	44
	136	00	25	04
	143	00	38	30
5. अनीता	180	00	41	83
	174/अ	00	40	39
	174/व	00	60	10
	165	00	03	77
	166	00	24	82
	150	00	24	65
	167	00	05	42
	148	00	16	92
	147	00	01	18
	391	00	01	30
	412/अ	00	09	83
	412/व	00	24	93
	418	00	31	48
	419	00	00	37
	421	00	06	31
	422	00	00	04
	420	00	26	70
	410/अ	00	00	07
	406	00	45	80
	404	00	64	22
6. उमराछी	182	01	05	51

[फा. सं. एल-14014/36/2005-जी.पी.]

एस. बी. मण्डल, अवसर सचिव

New Delhi, the 7th November, 2006

S. O. 4334.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4825 dated 28th December, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hyderabad - Goa Pipelines by M/s Reliance Gas Transportation Infrastructure Limited erstwhile M/s Gas Transportation And Infrastructure Company Limited subsequently renamed as M/s Reliance Gas Pipelines Limited;

And, whereas copies of the said Gazette notification were made available to the public between 21st April, 2006 to 13th June, 2006;

And whereas, the objections received from the public to the laying of the Pipeline have been considered and disallowed by the Competent Authority ;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in M/s Reliance Gas Transportation Infrastructure Limited free from all encumbrances.

SCHEDULE

Tehsil : Choryasi		District : Surat		State : Gujarat	
Name of the Village	Survey No./Block No.	Area to be acquired for ROU			
		Hectare	Are	Sq.m	
1	2	3	4	5	
1. Kachholi	122	00	01	55	
	118	00	02	85	
	115	00	15	67	
	114	00	10	26	
	113	00	00	09	
	112	00	30	00	
	110	00	12	33	
	88	00	28	50	
	87	00	08	99	

Tehsil : Palsana		District : Surat		State : Gujarat	
Name of the Village	Survey No./Block No.	Area to be acquired for ROU			
		Hectare	Are	Sq.m	
1	2	3	4	5	
1. Antroli	298	00	20	47	

Tehsil : Kamrej		District : Surat		State : Gujarat	
Name of the Village	Survey No./Block No.	Area to be acquired for ROU			
		Hectare	Are	Sq.m	
1	2	3	4	5	
1. Velanja	278	00	55	08	
	276	00	38	27	
	277	00	01	42	

Tehsil : Olpad		District : Surat		State : Gujarat	
Name of the Village	Survey No./Block No.	Area to be acquired for ROU			
		Hectare	Are	Sq.m	
1	2	3	4	5	
1. Kareli	106	00	21	62	
	109	00	21	30	
	110	00	80	55	
	84	00	39	15	
	86	00	89	83	
	74	00	45	93	
	75/A	00	29	85	
	75/B	00	01	51	
	63/A	00	10	05	
	63/B	00	63	44	
	62	00	14	04	
	61	00	31	63	
	7/A	00	21	06	
	7/B/P/1	00	36	09	
	7/B/P/2	00	16	84	
	12	00	12	86	
	13/A	00	17	47	
	13/B	00	13	58	
	31	00	02	30	
	30	00	14	55	
	29	00	07	02	
	28	00	00	72	

1	2	3	4	5
Kareli (Cont'd)	39	00	18	51
	38	00	38	78
	41/P/1	00	01	74
	341	00	16	36
	340	00	16	53
	325	00	00	04
	339	00	15	07
	335	00	13	66
	336	00	00	57
	334/A	00	12	08
	334/B	00	10	57
	331	00	01	26
	332	00	24	76
	313	00	62	03
	291/A	00	23	40
	291/B	00	05	84
	298	00	62	70
	124	00	16	00
	119	00	02	05
	123	00	64	50
2. Syadla	121	00	17	34
	117	00	59	88
	115	00	55	92
	95	00	20	19
	96	00	93	15
	97/A	00	43	72
	97/B	00	15	01
	83	00	59	85
	81	00	03	27
	82	00	04	88
	77	00	00	14
	146/P/2	00	48	77
	145/P/1	00	19	55
	145/P/2	00	07	26
3. Simalthu	144	00	23	47
	142	00	20	66
	141	00	47	83
	102/P/1	00	62	86
	99	00	00	99
4. Bolav	150	00	37	65
	97	00	32	62
	98	00	64	94
	128	00	45	72
	127	00	02	07
	129	00	24	69
	313	00	38	57
	137/A	00	05	59
	137/B	00	15	57
	137/C	00	25	44
	136	00	25	04
	143	00	38	30
	180	00	41	83
	174/A	00	40	39
5. Anita	174/B	00	60	10
	165	00	03	77
	166	00	24	82

1	2	3	4	5
5. Anita (contd.)	150	00	24	65
	167	00	05	42
	148	00	16	92
	147	00	01	18
	391	00	01	30
	412/A	00	09	83
	412/B	00	24	93
	418	00	31	48
	419	00	00	37
	421	00	06	31
	422	00	00	04
	420	00	26	70
	410/A	00	00	07
	406	00	45	80
	404	00	64	22
6. Umarachhi	182	01	05	51

[F. No. L-14014/36/2005-G.P.]

S.B MANDAL, Under Secy.

नई दिल्ली, 10 नवम्बर, 2006

का. आ. 4395.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962: (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 4827 तारीख 28 दिसम्बर, 2005 द्वारा उस अधिसूचना से संलग्न अनुसूची में, मैसर्स रिंलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, पूर्ववत् मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड जिसका तत्पश्चात् पुनः नामकरण मैसर्स रिंलायन्स गैस पाइपलाइन्स लिमिटेड किया गया, की जामनगर - भोपाल और काकीनाडा - हैदराबाद - गोवा पाइपलाइन को आपस में जोड़ने के लिए मैसर्स रिंलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड को एक पाइपलाइन विछाने के प्रयोजन के लिए उक्त अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और, उक्त राज्य अधिसूचना की प्रतियां जनता को तारीख 21 अप्रैल, 2006 से 27 जून, 2006 तक उपलब्ध करा दी गई थी;

और पाइपलाइन विछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया और अननुज्ञात कर दिया गया

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है:

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के वजाह, सभी विल्लगनों से मुक्त, मैसर्स रिंलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, में निहित होगा।

अनुसूचा

तहसील : मणदवा	जिला : नवसारी	राज्य : गुजरात		
		आर ओ यु अर्जित करने के लिये क्षेत्रफल		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5
1. केसली	348	00	08	42
2. पीपलधरा	328	00	00	73
	323	00	09	54
	322	00	13	20
	325	00	01	08
	306	00	16	90
	307	00	04	50
	308	00	01	44
	303	00	20	78
	291	00	12	20
	284	00	19	95
	289	00	01	00
	286	00	11	83
	285	00	08	57
3. वेगाम	1036	00	12	66
	1047	00	22	90
	1023	00	27	23

तहसील : नवसारी	जिला : नवसारी	राज्य : गुजरात		
		आर ओ यु अर्जित करने के लिये क्षेत्रफल		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5
1. मोलधरा	598	00	14	01
	595	00	20	38
	593	00	20	99
	590	00	23	87
	566	00	26	51
	556	00	27	30
	557	00	18	71
	545	00	03	61
	547	00	17	04
	464	00	15	23
2. आमडपोर	569	00	05	36
	570	00	04	95
	571	00	12	74
	572	00	11	72
	538	00	28	96
	523	00	19	25
	524	00	09	19
	525	00	10	89
	528	00	02	18
	529	00	06	13
	530	00	06	88
	531	00	05	18
	497	00	55	10
	494	00	00	51
	495	00	20	52
	488	00	24	94
	484	00	23	13

तहसील : जलालपुर	जिला : नवसारी	राज्य : गुजरात		
		आर ओ यु अर्जित करने के लिये क्षेत्रफल		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5
1. डाभेल	117	00	22	00
	132	00	26	42
	150	00	00	38
	148	00	22	62

1	2	3	4	5
निरंतर डाभेल	151	00	19	25
	153	00	19	04
	155	00	19	25
	156	00	08	38
	157	00	39	05
	160	00	20	95
	184	00	12	65
	182	00	18	41
	180	00	07	58
	179	00	04	35
	172	00	15	81
	173	00	15	79
	175	00	00	03
	301	00	19	70
	300	00	00	01
	302	00	20	96
	308	00	14	78
	303	00	00	05
	307	00	39	89
	446	00	19	51
	450	00	25	29
	451	00	24	39
	454	00	11	44
	456	00	12	75
	498	00	37	73
	497	00	03	23
2. आसना	244	00	05	37
	238	00	01	63
	268	00	14	14
	359	00	22	68
	360	00	12	01
	357	00	00	01
	356	00	06	47
	347	00	13	32
	348	00	18	99

[फा. सं. एल-14014/35/2005-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 10th November, 2006

S. O. 4335.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4827 dated 28th December, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hyderabad - Goa Pipelines by M/s Reliance Gas Transportation Infrastructure Limited erstwhile M/s Gas Transportation And Infrastructure Company Limited subsequently renamed as M/s Reliance Gas Pipelines Limited;

And, whereas copies of the said Gazette notification were made available to the public between 21st April, 2006 to 27th June, 2006;

And whereas, the objections received from the public to the laying of the Pipeline have been considered and disallowed by the Competent Authority.

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in M/s Reliance Gas Transportation Infrastructure Limited free from all encumbrances.

SCHEDULE

Tehsil : Gandevi		District : Navsari		State : Gujarat	
Name of the Village	Survey No./Block No.	Area to be acquired for ROU			Sq.m
		Hectare	Are		
1	2	3	4		5
1. Kesali	348	00	08		42
2. Pipaldhara	328	00	00		73
	323	00	09		54
	322	00	13		20
	325	00	01		08
	306	00	16		90
	307	00	04		50
	308	00	01		44
	303	00	20		78
	291	00	12		20
	284	00	19		95
	289	00	01		00
	286	00	11		83
	285	00	08		57
3. Vegam	1036	00	12		66
	1047	00	22		90
	1023	00	27		23

Tehsil : Navsari		District : Navsari		State : Gujarat	
Name of the Village	Survey No./Block No.	Area to be acquired for ROU			Sq.m
		Hectare	Are		
1	2	3	4		5
1: Moldhara	598	00	14		01
	595	00	20		38
	593	00	20		99
	590	00	23		87
	566	00	26		51
	556	00	27		30
	557	00	18		71
	545	00	03		61
	547	00	17		04
	464	00	15		23

1	2	3	4	5
2. Amratpor	569	00	05	36
	570	00	04	95
	571	00	12	74
	572	00	11	72
	538	00	28	96
	523	00	19	25
	524	00	09	19
	525	00	10	89
	528	00	02	18
	529	00	06	13
	530	00	06	88
	531	00	05	18
	497	00	55	10
	494	00	00	51
	495	00	20	52
	488	00	24	94
	484	00	23	13

Tehsil : Jalalpor	District : Navsari	State : Gujarat		
Name of the Village	Survey No./Block No.	Area to be acquired for ROU		
		Hectare	Are	Sq.m
1	2	3	4	5

1. Dabhel	117	00	22	00
	132	00	26	42
	150	00	00	38
	148	00	22	62
	151	00	19	25
	153	00	19	04
	155	00	19	25
	156	00	08	38
	157	00	39	05
	160	00	20	95
	184	00	12	65
	182	00	18	41
	180	00	07	58
	179	00	04	35
	172	00	15	81
	173	00	15	79
	175	00	00	03
	301	00	19	70
	300	00	00	01
	302	00	20	96
	308	00	14	78
	303	00	00	05
	307	00	39	89
	446	00	19	51
	450	00	25	29
	451	00	24	39
	454	00	11	44
	456	00	12	75
	498	00	37	73
	497	00	03	23

2. Asana	244	00	05	37
	238	00	01	63
	268	00	14	14
	359	00	22	68
	360	00	12	01
	357	00	00	01
	356	00	06	47
	347	00	13	32
	348	00	18	99

[F. No. L-14014/35/2005-G.P.]

S.B MANDAL, Under Secy.

नई दिल्ली, 10 नवम्बर, 2006

का. आ. 4336.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1617, तारीख 25 अप्रैल 2006 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इंडस्ट्रीज लिमिटेड, के गोवा में उत्तरी / दक्षिणी अपतट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से कर्नाटक राज्य में बीदर जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, एक रिलाएंस समूह कम्पनी, मैसर्स रिलाएंस गैस ट्रांसपोर्टेशन इंफ्रास्ट्रक्चर लिमिटेड, पूर्ववत मैसर्स गैस ट्रांसपोर्टेशन एंड इंफ्रास्ट्रक्चर कम्पनी लिमिटेड जिसका तत्पश्चात पुनः नामकरण मैसर्स रिलाएंस गैस पाइपलाइन्स लिमिटेड किया गया, द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख: 14 जून 2006 से 13 जुलाई 2006 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में, जनता की ओर से आक्षेप प्राप्त नहीं हुए।

और सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलाएंस गैस ट्रांसपोर्टेशन इंफ्रास्ट्रक्चर लिमिटेड, में निहित होगा।

अनुसूची 6(1)

तालुका : बीदर		जिला : बीदर		राज्य : कर्नाटक		
अ. क.	गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	आर ओ यु अर्जित करने के लिये क्षेत्रफल		
				हेक्टेयर	एयर	सी-एयर
1	2	3	4	5	6	7
1	होकरना खुर्द	100		0	00	96
		101		0	02	40
		106	एए/ए	0	05	90
		111		0	00	27
2	राजगीरा	183	1	0	01	78
		153		0	02	51
		184	ए	0	00	21
		184	एए	0	00	22
		रास्ता		0	05	83

1	2	3	4	5	6	7
2	राजगौरा (जारी-)	44	1	0	23	31
		44	2	0	34	08
		44	3	0	30	96
		44	4	0	07	29
		44	5	0	07	29
		44	6	0	07	29
		44	7	0	07	32
		67	ए/1	0	00	25
3	सिन्दोल	85	3	0	00	87
		31	1	0	03	44
		32		0	00	10
		33	1ए	0	00	40
		37	ए	0	02	96
4	पातरपळी	51		0	19	91
		47	डा	0	07	08
		47	सा	0	15	71
		47	ए3	0	77	63
		47	जे	0	20	54
		47	एफ	0	28	06
		34	2	0	13	53
		34	1	0	01	50
5	वगदल	170		0	01	21
		144		0	01	50
		145	3	0	18	07
		138	2	0	03	58
		228	एएन1	0	05	24
		232	पेकी	0	01	38
		240	2	0	60	47
		रास्ता एम हेच 15 में		0	06	10
		सर्वे नंबर 278 और 289 के बीच में गाड़ी रास्ता		0	01	00
		277		0	05	70
		276		0	33	90
		302	3	0	03	88
6	निडवंचा	सर्वे नंबर 37 और 13 बीच में कारांजा नदी		0	09	91
7	वेंवळगी	9	8	0	01	64
		9	5	0	07	96
		9	6	0	04	35
		121	2	0	00	39
8	रेकुळगी	रास्ता सर्वे नंबर 81 और 87 के बीच में		0	07	18
		86		0	00	45
		230	ए	0	00	22
		230	बी	0	00	22
		230	सी	0	00	22
		236	ई	0	01	75
		238	ए/3	0	01	95
		237		0	01	26
		336	ए	0	00	19
		335	बी	0	00	46
		306	केहेचए	0	64	58
9	होचकनळी	100	3	0	04	02
		100	2	0	04	03
		101	1एए5	0	07	44

1	2	3	4	5	6	7
10	सीरकटनली	रास्ता सर्वे नंबर 65 में		0	03	48
		58	3	0	07	52
		10	ए	0	00	13
		10	एए	0	00	13
		10	ई	0	00	14
		10	ईई	0	00	14
तालुका : हुमनाबाद		जिला : बीदर		राज्य: कर्नाटक		
1	सीतळगेरे	53	ए/1	0	12	48
		55	5ए	0	12	30
		55	5बी	0	12	31
		55	1ए	0	09	98
		55	1बी	0	09	99
		55	1सी	0	09	99
		रास्ता सर्वे नंबर 50 और 57 बीच में		0	00	28
		57	1	0	07	66
		63	बी	0	26	33
		63	सी	0	02	70
		59	1ए	0	11	85
		59	1बी	0	11	86
		59	2ए.	0	03	48
		59	2बी	0	03	49
		59	2सी	0	03	49
		83	6	0	00	06
		रास्ता सर्वे नंबर 87 और 91 बीच में		0	02	23
		91	4	0	02	16
2	नीम्बुर	41	1सी	0	03	64
		51	3	0	81	29
		गाड़ी रास्ता		0	02	35
		रास्ता		0	00	56
		62	5	0	01	35
		67	3	0	00	17
		125			00	36
		119	ए	0	05	30
		114		0	00	35
		113	6	0	00	20
		112	1	0	04	64
		112	2ए	0	00	05
		112	2बी	0	00	06
3	मदरगोंव	114	1	0	50	00
		114	2	0	50	00
4	नन्दगोंव	30 सरकारी भूमि	1	0	41	55
5	जलसिंगी	86	ए	0	49	94
		86		0	03	90
		85	ए	0	02	70
		85	बी	0	02	70
		85	सी	0	02	70
		85	डी	0	02	70
		85	ई	0	02	70
		85	एफ	0	02	70
		89	ए	0	06	69

1	2	3	4	5	6	7
	जलसिंगी निरंतर	90		0	67	80
		रास्ता		0	06	77
		117	1सी	0	03	91
		108	ओ	0	21	20
		158	ए	0	02	33
		158	बी	0	02	33
		158	सी	0	02	34
		229	ए/ए	0	04	64
		229	ए/बी	0	04	65
		229	बी	0	04	65
		229	सी	0	04	65
		216		0	05	92
6	चीनकेरा	11		0	37	10
		24	बी	0	02	30
		13		0	04	58
		गस्ता सर्वे नंबर 15 में		0	02	18
		15		0	00	70
		26		0	06	92
		56	3	0	00	11
		53	ए	0	00	11
		46		0	00	84
		45		0	02	00
		63		0	06	21
		सर्वे नंबर 63 और 44 के बीच में नाला		0	01	48
		44	4	0	00	96
		44	1	0	03	64
		67	1	0	00	31
		रास्ता सर्वे नंबर 71 में		0	05	27
		69	बी	0	01	43
		85	ए	1	47	90
7	सेढोळ	177		0	01	10
		180	4	0	02	64
		181	ए/2-पी1	0	23	54
		181	बी	0	10	89
		181	ए3पी1	0	42	80
		181	ए2/बी	0	14	28
		181	ए1/ए	0	21	32
		181	ए/1ए	0	20	88
8	कनकटा	38	ए	0	01	46
		40	सी2	0	12	85
		21		0	41	33
		22	2	0	22	66
		13		0	25	77
		15		0	03	27
		213	2	0	00	77
		213	3	0	02	76
		213	4	0	01	99

1	2	3	4	5	6	7
कनकटा निरंतर	नाला			0	00	36
	212			0	00	25
	211	ए		0	12	37
	211	बी		0	14	12
	210	ए		0	06	97
	210	बी		0	08	49
	208	6		0	04	12
	207	1		0	01	51
	रास्ता			0	05	69
	202	ए		0	01	23
	202	बी		0	01	24
	200	ए		0	00	12
	200	बी1		0	00	13
	200	बी2		0	00	13
	200	बी3		0	00	13
	199	ए		0	00	83
	199	बी		0	0	84
	198	1ए		0	09	35
	198	1बी		0	09	36
	197			0	00	59
9 हुणसगेरा	170		2	0	01	02
	173		2ए	0	02	25
	198		3	0	00	16
	197		2	0	01	75
	197		2/2	0	01	75
	सर्वे नंबर 197 में गाड़ी रास्ता			0	01	19
	196		1	0	01	30
तालुका : बसवकल्याण		जिला : बीदर		राज्य : कर्नाटक		
1 राजोळा	66		एए	0	24	00
	56		2	0	15	14
	103		1बी1	0	01	60
	रास्ता			0	11	81
	गाड़ी रास्ता			0	05	11
	181		ए1	0	00	20
	193		ए	0	01	73
	193		बी	0	39	67
	195		ईई	0	12	80
	195		यु	0	06	40
	195		एए	0	00	30
2 किटा	121			0	19	30
	127		6	0	00	60
	129		श्री	0	02	72
	130		2	0	19	46
	130		1श्री	0	24	04
	181		1	0	13	20
	181		2	0	37	00
	190		1	0	01	00
	209		2ए2	0	01	82

जिला : बिदर, बेतगाव, विजापुर और गुलबर्गा.

1	2	3	4	5	6	7
3	नारायणपुर	107 100 76 (सरकारी भूमी)	4 सी	0 0 2	15 00 08	22 50 21
4	बसवकल्याण	34	5	0	32	74
5	प्रतापुर	39 रास्ता सर्वे नंबर 384 में 335	सी	0 0 0	25 13 40	85 75 58

[फा. सं. एल-14014/9/2006-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 10th November, 2006

S. O. 4336.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1617, dated the 25th April 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification of the purpose of laying pipeline for transportation of natural gas from the exploration blocks in the Northern / Southern Offshore of Goa and Structures in Andhra Pradesh of M/s Reliance Industries Limited by a Reliance Group company, M/s Reliance Gas Transportation Infrastructure Limited erstwhile M/s Gas Transportation and Infrastructure Company Limited subsequently renamed as M/s Reliance Gas Pipelines Limited, to various consumers of District Bidar in the State of Karnataka;

And whereas the copies of the said Gazette notification were made available to the public from 14th June 2006 to 13th July 2006;

And whereas the objections were not received from the public to the laying of the pipeline;

And whereas the Competent Authority has, under sub-section (1) of section 6 of said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on this date of publication of the declaration, in M/s Reliance Gas Transportation Infrastructure Limited, free from all encumbrances.

SCHEDULE 6(1)						
Taluka - Bidar		District : Bidar		State : Karnataka		
Sl. No.	Village Name	Survey No.	Hissa No.	Area to be required for ROU		
				Hectare	Are	Centiare
1	2	3	4	5	6	7
1	Hokrana Khurd	100	AA/A	0	00	96
		101		0	02	40
		106		0	05	90
		111		0	00	27
2	Rajgira	183	1	0	01	78
		153	A	0	02	51
		184		0	00	21
		184	AA	0	00	22
		ROAD	1	0	05	83
		44		0	23	31
		44	2	0	34	08
		44	3	0	30	96
		44	4	0	07	29
		44	5	0	07	29
		44	6	0	07	29
		44	7	0	07	32
		67	A/1	0	00	25
3	Sindol	85	3	0	00	87
		31	1	0	03	44
		32	1A	0	00	10
		33		0	00	40
		37	A	0	02	96
4	Patharapalli	51	D	0	19	91
		47		0	07	08
		47	C	0	15	71
		47	A3	0	77	63
		47	J	0	20	54
		47	F	0	28	06
		34	2	0	13	53
		34	1	0	01	50
5	Bagdal	170	3	0	01	21
		144		0	01	50
		145	2	0	18	07
		138	AAP1	0	03	58
		228		0	05	24
		232	Paiki	0	01	38
		240	2	0	60	47

1	2	3	4	5	6	7
	Bagdal Conti...	ROAD SH - 15		0	06	10
		Cart Track between survey no. 278 and 289		0	01	00
		277		0	05	70
		276		0	33	90
		302	3	0	03	88
6	Niduvancha	Karanja River in between survey no. 37 and				
		13		0	09	91
7	Bembalgi	9	8	0	01	64
		9	5	0	07	96
		9	6	0	04	35
		121	2	0	00	39
8	Rekulgi	Road between survey no. 81 and 87		0	07	18
		86		0	00	45
		230	A	0	00	22
		230	B	0	00	22
		230	C	0	00	22
		236	E	0	01	75
		238	A/3	0	01	95
		237		0	01	26
		336	A	0	00	19
		335	B	0	00	46
		306	KHA	0	64	58
9	Hochakanalli	100	3	0	04	02
		100	2	0	04	03
		101	1AA5	0	07	44
10	Sirkatnalli	Road in survey no. 65		0	03	48
		58	3	0	07	52
		10	A	0	00	13
		10	AA	0	00	13
		10	E	0	00	14
		10	EE	0	00	14
Taluka - Humnabad		District : Bidar		State : Karnataka		
1	Sitalgere	53	A/1	0	12	48
		55	5A	0	12	30
		55	5B	0	12	31
		55	1A	0	09	98
		55	1B	0	09	99
		55	1C	0	09	99
		Road between survey no. 50 and 57		0	00	28
		57	1	0	07	66
		63	B	0	26	33

1	2	3	4	5	6	7
	Sitalgere conti...	63	C	0	02	70
		59	1A	0	11	85
		59	1B	0	11	86
		59	2A	0	03	48
		59	2B	0	03	49
		59	2C	0	03	49
		83	6	0	00	06
	Road between survey no. 87 and 91			0	02	23
		91	4	0	02	16
2	Nimbur	41	1C	0	03	64
		51	3	0	81	29
	Cart Track			0	02	35
	Road			0	00	56
	62	5	0	01	35	
	67	3	0	00	17	
	125		0	00	36	
	119	A	0	05	30	
	114		0	00	35	
	113	6	0	00	20	
	112	1	0	04	64	
	112	2A	0	00	05	
	112	2B	0	00	06	
3	Madargaon	114	1	0	50	00
		114	2	0	50	00
4	Nandgaon	30 Government land	1	0	41	55
5	Jalasingi	86	A	0	49	94
		86		0	03	90
		85	A	0	02	70
		85	B	0	02	70
		85	C	0	02	70
		85	D	0	02	70
		85	E	0	02	70
		85	F	0	02	70
		89	A	0	06	69
		90		0	67	80
	Road			0	06	77
	117	1C	0	03	91	
	108	O	0	21	20	
	158	A	0	02	33	
	158	B	0	02	33	
	158	C	0	02	34	

1	2	3	4	5	6	7
	Jalasingi Conti...	229	A/A	0	04	64
		229	A/B	0	04	65
		229	B	0	04	65
		229	C	0	04	65
		216		0	05	92
6	Chinkera	11		0	37	10
		24	B	0	02	30
		13		0	04	58
	Road in survey no. 15			0	02	18
		15		0	00	70
		26		0	06	92
		56	3	0	00	11
		53	A	0	00	11
		46		0	00	84
		45		0	02	00
		63		0	06	21
	Nala in between survey no. 63 and 44			0	01	48
		44	4	0	00	96
		44	1	0	03	64
		67	1	0	00	31
	Road in survey no. 71			0	05	27
		69	B	0	01	43
		85	A	1	47	90
7	Sedol	177		0	01	10
		180	4	0	02	64
		181	A/2P1	0	23	54
		181	B	0	10	89
		181	A3-P1	0	42	80
		181	A2/B	0	14	28
		181	A1/A	0	21	32
		181	A/1A	0	20	88
8	Kankatta	38	A	0	01	46
		40	C2	0	12	85
		21		0	41	33
		22	2	0	22	66
		13		0	25	77
		15		0	03	27
		213	2	0	00	77
		213	3	0	02	76
		213	4	0	01	99
	Nala			0	00	36

1	2	3	4	5	6	7
	Kankatta Conti.	212		0	00	25
		211	A	0	12	37
		211	B	0	14	12
		210	A	0	06	97
		210	B	0	08	49
		208	6	0	04	12
		207	1	0	01	51
		Road		0	05	69
		202	A	0	01	23
		202	B	0	01	24
		200	A	0	00	12
		200	B1	0	00	13
		200	B2	0	00	13
		200	B3	0	00	13
		199	A	0	00	83
		199	B	0	0	84
		198	1A	0	09	35
		198	1B	0	09	36
		197		0	00	59
9	Hunsgera	170	2	0	01	02
		173	2A	0	02	25
		198	3	0	00	16
		197	2	0	01	75
		197	2/2	0	01	75
		Cart Track in survey no. 197		0	01	19
		196	1	0	01	30
Taluka - Basavkalyan		District : Bidar		State : Karnataka		
1	Rajola	66	AA	0	24	00
		56	2	0	15	14
		103	1B1	0	01	60
		Road		0	11	81
		Cart Track		0	05	11
		181	A1	0	00	20
		193	A	0	01	73
		193	B	0	39	67
		195	EE	0	12	80
		195	U	0	06	40
		195	AA	0	00	30
2	Kitta	121		0	19	30
		127	6	0	00	60
		129	B	0	02	72

1	2	3	4	5	6	7
	Kitta Conti...	130	2	0	19	46
		130	1B	0	24	04
		181	1	0	13	20
		181	2	0	37	00
		190	1	0	01	00
		209	2A2	0	01	82
3	Narayanpur	107	4	0	15	22
		100	C	0	00	50
		76 (Government Land)		2	08	21
4	Basavkalyan	34	5	0	32	74
5	Paratapur	39	C	0	25	85
	Road in survey no. 384			0	13	75
	335			0	40	58

[F. No. L-14014/9/2006-G.P.]
S.B MANDAL, Under Secy.

नई दिल्ली, 10 नवम्बर, 2006

का. आ. 4337.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1618 तारीख 25 अप्रैल 2006 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, पूर्ववत् मैसर्स रिलायंस गैस पाइपलाइन्स लिमिटेड, की संप्रवर्तक कम्पनी मैसर्स रिलायंस इंडस्ट्रीज लिमिटेड, के गोवा में उत्तरी/ दक्षिणी अपतट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से महाराष्ट्र राज्य में अहमदनगर जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र की प्रतियाँ जनता को तारीख 14 जून 2006 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता को ओर से कोई भी आक्षेप प्राप्त नहीं है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार ने निहित होने के बजाय सभी विल्लंगों से मुक्त मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल : कर्जत		जिल्हा : अहमदनगर			राज्य : महाराष्ट्र
गांव का नाम	गट नंबर / सब डिविजन नं	आर ओ यु अंजित करने के लिये क्षेत्रफल			
		हेक्टर	आर	सी आर	
1	2	3	4	5	
1) धालवडी	धालवडी और पिंपळेवाडी गांव सीमा के बीच का रास्ता	00	84	20	
	243	01	08	00	
	गट नंबर 243 में कॅनाल	00	12	00	
	251	00	15	00	
	गट नंबर 251 और 196 के बीच का रास्ता	00	07	20	
	196	00	22	80	
	185	00	33	60	
	175	00	15	60	
	171/2	00	15	60	
	170/1	00	16	30	
	170/2	00	16	30	
	169/1	00	30	00	
	169/2	00	30	00	
	164	00	65	00	
	165	00	07	20	
	163/2	00	03	00	
	180	00	41	30	
	161	00	60	00	
	गट नंबर 161 और 373 के बीच का रास्ता	00	04	80	
	373/1	00	21	60	
	373/2	00	21	60	
	374	00	03	00	
	375	00	41	00	
	376	00	10	20	
	381	00	46	80	
	380	00	16	80	
	389	00	34	80	
	393	00	38	00	
	358	00	09	60	
	357	00	21	60	
	356	00	10	00	
	384	00	25	00	
	385	00	02	40	
	406	00	15	60	
	407	00	57	60	
	गट नंबर 407 में नाला	00	02	50	
	408	00	10	00	
	412	00	78	00	
	गट नंबर 412 और 414 के बीच का रास्ता	00	04	80	
	414	00	05	94	

1	2	3	4	5
2) राक्षसवाडी बुदुक	24	00	04	60
	गट नंबर 24 और 458 के बीच का रास्ता	00	07	20
	458	00	57	60
	457	00	20	00
	452	00	16	60
	454/1	00	21	60
	454/2	00	21	60
	453	00	20	00
	455	00	48	00
	गट नंबर 455 और 424 के बीच का नाला	00	12	00
	426	00	21	60
	429	00	10	70
	430	00	07	20
	431	00	04	80
	408	00	98	40
	405	00	25	20
	404	00	60	40
	गट नंबर 403 और 403 के बीच का नाला	00	12	00

[फा. सं. एल-14014/6/2006-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 10th November, 2006

S. O. 4337.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 1618 dated the 25th April 2006, issued under sub-section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land; specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas from the exploration blocks in the Northern / Southern offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Reliance Gas Transportation Infrastructure Limited, formerly known as M/s Reliance Gas Pipelines Limited, to various consumers of District Ahmednagar in the State of Maharashtra;

And whereas, the copies of the said Gazette notification were made available to the public on the 14th June 2006;

And whereas no objections received from the public to the laying of the pipeline;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired, for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in Central Government, vest, on this date of publication of the declaration, in ^{M/s} Reliance Gas Transportation Infrastructure Limited free from all encumbrances.

Schedule

Mandal: Karjat		District: Ahmednagar		State : Maharashtra	
Name of Village	Gat No./Sub-division No.	Area to be acquired for ROU			
		Hectare	Are	C-Are	
1	2	3	4	5	
1) Dhalwadi	Road in between V.B of Dhalwadi and Pimpalwadi	00	84	20	
	243	01	08	00	
	Canal in Gat No. 243	00	12	00	
	251	00	15	00	
	Road in between Gat No. 251 & 196	00	07	20	
	196	00	22	80	
	195	00	33	60	
	175	00	15	60	
	171/2	00	15	60	
	170/1	00	16	30	
	170/2	00	16	30	
	169/1	00	30	00	
	169/2	00	30	00	
	164	00	65	00	
	165	00	07	20	
	163/2	00	03	00	
	160	00	41	30	
	161	00	60	00	
	Road in between Gat No. 161 & 373	00	04	80	
	373/1	00	21	60	
	373/2	00	21	60	
	374	00	03	00	
	375	00	41	00	
	376	00	10	20	
	381	00	46	80	
	360	00	16	80	
	389	00	34	80	
	393	00	36	00	
	358	00	09	60	
	357	00	21	60	
	356	00	10	00	
	394	00	25	00	
	395	00	02	40	
	406	00	15	60	
	407	00	57	60	
	Nala in Gat No. 407	00	02	50	
	408	00	10	00	
	412	00	78	00	
	Road in between Gat No. 412 & 414	00	04	80	
	414	00	05	94	

1	2	3	4	5
2) Rakshaswadi Budruk	24	00	04	80
	Road in between Gat No. 24 & 458	00	07	20
	458	00	57	80
	457	00	20	00
	452	00	16	80
	454/1	00	21	80
	454/2	00	21	80
	453	00	20	00
	455	00	48	00
	Nala in between Gat No. 455 & 424	00	12	00
	426	00	21	80
	429	00	10	70
	430	00	07	20
	431	00	04	80
	408	00	98	40
	405	00	25	20
	404	00	80	40
	Road in between Gat No. 404 & 403	00	12	00

[F. No. L-14014/6/2006-G.P.]

S.B MANDAL, Under Secy.

नई दिल्ली, 10 नवम्बर, 2006

का. आ. 4338.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1851 तारीख 09 मई 2006 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, पूर्ववत् मैसर्स रिलायंस गैस पाइपलाइन्स लिमिटेड, की संप्रवर्तक कम्पनी मैसर्स रिलायंस इंडस्ट्रीज लिमिटेड, के गोवा में उत्तरी/ दक्षिणी अपतट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से महाराष्ट्र राज्य में रायगड जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र की प्रतियाँ जनता को तारीख 30 जून 2006 को उपलब्ध करा दी गई थी;
और पाइपलाइन बिछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया :

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है:

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगों से मुक्त, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, में निहित होगा।

अनुसूची

मंडल : कर्जत		जिला : रायगड			राज्य : महाराष्ट्र
गांव का नाम	गट नंबर / सब डिविजन नं	आर ओ यू अजित करने के लिये क्षेत्रफल			
		हेक्टर	आर	सी आर	
1	2	3	4	5	
1) मंडावणे	158	00	43	50	
	154	00	95	01	
	162	00	05	25	
	159	00	35	00	
2) कझव	70	00	27	90	
	98	00	03	00	
	99	00	02	82	
	101	00	03	71	
3) गजेगांव बिंदोली	10	00	30	49	
4) तळवडे खुर्द	77	00	47	42	
5) पाषाणे	131	00	05	14	

[फा. सं. एल-14014/49/2004-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 10th November, 2006

S. O. 4338.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 1851 dated the 9th May 2006, issued under sub-section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas from the exploration blocks in the Northern / Southern offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Reliance Gas Transportation Infrastructure Limited formerly known as M/s Reliance Gas Pipelines Limited, to various consumers of District Raigad in the State of Maharashtra;

And whereas, the copies of the said Gazette notification were made available to the public on the 30th June 2006;

And whereas objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority:

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government:

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired, for laying the pipeline:

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in Central Government, vest, on this date of publication of the declaration, in M/s. Reliance Gas Transportation Infrastructure Limited, free from all encumbrances.

Schedule

Mandal: Karjat		District: Raigad		State: Maharashtra	
Name of Village	Gat No./Sub-division No.	Area to be acquired for ROU			
		Hectare	Are	C-Are	
1	2	3	4	5	
1) Mandavane	156	00	43	50	
	154	00	95	01	
	162	00	05	25	
	159	00	35	00	
2) Kadav	70	00	27	90	
	98	00	03	00	
	99	00	02	82	
	101	00	03	71	
3) Ganegaon Chinchavali	10	00	30	48	
4) Talavade Khurd	77	00	47	42	
5) Pashane	131	00	05	14	

[F. No. L-14014/49/2004 G.P.]
S.B MANDAL, Under Secy.

नई दिल्ली, 10 नवम्बर, 2006

का. आ. 4339.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2405 तारीख 22 जून 2006 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलायंस इंडस्ट्रीस लिमिटेड, के गोवा में उत्तरी/दक्षिणी अपतट में खोज ब्लॉकों और आन्ध्र प्रदेश में संरचनाओं से आन्ध्रप्रदेश राज्य में मेदक जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिये, एक रिलायंस समूह कम्पनी, मैसर्स रिलायंस गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, पूर्ववत् मैसर्स गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड जिसका तत्पश्चात् पुनःनामकरण मैसर्स रिलायंस गैस पाइपलाइन्स लिमिटेड किया गया, द्वारा पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 15 जुलाई 2006 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में, जनता की ओर से आक्षेप प्राप्त नहीं हुए।

और सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केंद्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केंद्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और, केंद्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की वजाह, सभी विलिंगों से मुक्त, मैसर्स रिलायंस गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची					
गाँव का नाम	सर्वे नंबर	सब-डिविजन नंबर	आर ओ यू अर्जित करने के लिए क्षेत्रफल		
			हेक्टेयर	एकर	सि एकर
1	2	3	4	5	6
मंडल : जहीराबाद		जि.ला. : मेदक	राज्य : आन्ध्र प्रदेश		
1. होथी (खुर्द)	15	-	0	31	70
	63	-	0	02	90
	64	-	0	57	20
	69	-	1	06	90
2. हुम्बेल्लि	136	-	1	12	75
	131	-	5	72	75
मंडल : कोहीर		जि.ला. : मेदक	राज्य : आन्ध्र प्रदेश		
1. गुम्जवाडा	17	-	0	70	55
मंडल : मुनिपल्लि		जि.ला. : मेदक	राज्य : आन्ध्र प्रदेश		
1. कामकोल	174	-	0	70	05
2. इब्रहीमपूर	55	-	0	12	45
	56	-	0	15	70
मंडल : सदाशिवपेट		जि.ला. : मेदक	राज्य : आन्ध्र प्रदेश		
1. मिलिगिरिपेट	145	-	2	10	60
1. सिद्धापूर	180	-	0	02	15

[फा. सं. एल-14014/8/2006-जी.पी.]

एस. बी. मण्डल. अवर सचिव

New Delhi, the 10th November, 2006

S. O. 4339.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S. O. 2405 dated the 22nd June 2006, issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification of the purpose of laying pipeline for transportation of natural gas from the exploration blocks in the Northern / Southern offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited by a Reliance Group company, M/s Reliance Gas Transportation Infrastructure Limited erstwhile M/s Gas Transportation and Infrastructure Company Limited subsequently renamed as M/s Reliance Gas Pipelines Limited, to various consumers of District Medak in the State of Andhra Pradesh ;

And whereas the copies of the said Gazette notification were made available to the public on 15th July, 2006;

And whereas no objections received from the public to the laying of the pipeline

And whereas the Competent Authority has, under sub section (1) of section 6 of said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein. ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in M/s Reliance Gas Transportation Infrastructure Limited, free from the encumbrances.

Schedule						
Village	Survey No.	Sub-Division No.	Area to be acquired for ROU			
			Hectare	Are	C-Are	
1	2	3	4	5	6	
Mandal : Zaheerabad		District : Medak	State : Andhra Pradesh			
1. Hothi(Khurd)	15	-	0	31	70	
	63	-	0	02	90	
	64	-	0	57	20	
	69	-	1	06	90	
2. Huggelli	136	-	1	12	75	
	131	-	5	72	75	
Mandal : Koheer		District : Medak	State : Andhra Pradesh			
1. Gurujwada	17	-	0	70	55	
Mandal : Munipalli		District : Medak	State : Andhra Pradesh			
1. Kamkol	174	-	0	70	05	
2. Ibrahimpur	55	-	0	12	45	
	56	-	0	15	70	
Mandal : Sadashivpet		District : Medak	State : Andhra Pradesh			
1. Mitligrupet	145	-	2	10	60	
2. Siddapur	180	-	0	02	15	

[F. No. L-14014/8/2006-G.P.]
S.B. MANDAL, Under Secy.

शहरी विकास मंत्रालय

नई दिल्ली, 2 नवम्बर, 2006

का. आ. 4340.—प्रबंधक, भारत सरकार मुद्रणालय, मिंटो रोड, उक्त मुद्रणालय के समूह 'ग' और समूह घ के कर्मचारियों के संबंध में, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 की अनुसूची में विहित अनुशासनिक प्राधिकारी हैं।

और भारत सरकार मुद्रणालय, मिंटो रोड में कार्यरत श्री राम रूप मीना, की बोर्ड ऑपरेटर के विरुद्ध केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के अधीन अनुशासनिक कार्यवाही आरंभ की गई थी।

और श्री एस० मिश्रा, प्रबंधक, भारत सरकार मुद्रणालय, मिंटो रोड, उक्त श्री राम रूप मीना, की बोर्ड ऑपरेटर के विरुद्ध आरंभ की गई अनुशासनिक कार्यवाही के आरोपों से व्यक्तिगत रूप से संबद्ध होने के कारण अनुशासनिक प्राधिकारी के रूप में कृत्य करने में असमर्थ हैं।

अतः अब, राष्ट्रपति केन्द्रीय सेवा (वर्गीकरण, नियंत्रण, और अपील) नियम, 1965 के नियम 12 के उपनियम (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एस आर प्रमानिक, प्रबंधक, भारत सरकार मुद्रणालय, रिंग रोड, नई दिल्ली को श्री राम रूप मीना, की बोर्ड ऑपरेटर, भारत सरकार मुद्रणालय, मिंटो रोड के विरुद्ध आरंभ की गई अनुशासनिक कार्यवाही में, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 11 में विनिर्दिष्ट किसी शास्ति को अधिरोपित करने में सक्षम तदर्थ अनुशासनिक प्राधिकारी के रूप में, नियुक्त करते हैं।

[फा. सं. सी-11012/2/2006-एवी]

डी. पी. एस. चौहान, अवर सचिव (पीटीजी)

Ministry of Urban Development

New Delhi, the 2nd November, 2006

S. O. 4340.—Whereas the Manager, Government of India Press, Minto Road is the disciplinary authority prescribed in the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1965 in respect of Group C and Group D employees of the said Press.

And Whereas disciplinary proceedings were initiated against Shri Ram Roop Meena, Key Board Operator working in the Government of India Press, Minto Road under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965

And Whereas Shri S. Mishra, the Manager, Government of India Press, Minto Road is unable to function as the disciplinary authority on account of being personally concerned with the charges in the disciplinary proceedings initiated against the said Shri Ram Roop Meena, Key Board Operator.

Now, therefore, in exercise of the powers conferred by clause (b) of sub rule (2) of rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby appoints Shri S. R. Pramanik, Manager, Government of India Press, Ring Road, New Delhi as the adhoc disciplinary authority competent to impose any of the penalties specified in rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, in the disciplinary proceedings initiated against Shri Ram Roop Meena, Key Board Operator, Government of India Press, Minto Road

[F. No. C-11012/2/2006-AV]

D.P.S. CHAUHAN, Under Secy. (PTG)

श्रम और रोजगार मंत्रालय

नई दिल्ली, 12 अक्टूबर 2006

का.आ. 4341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एच पी सी एल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट (संदर्भ संख्या 178/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-2006 को प्राप्त हुआ था।

[सं. एल-20040/62/95-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 12th October, 2006

S.O. 4341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 178/97) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of HPCL and their workman, which was received by the Central Government on 12-10-2006.

[No. L-20040/62/95-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**

Dated: 26th September, 2006

PRESENT

Shri A.R. Siddiqui, Presiding Officer

C.R.No. 178/97

C/w Complaint No. 1/05 to 8/05

I PARTY

Shri Shivanandaiah &
Others
Lingadherra Mallasandara,
Devanagondi Post,
Hosakote Taluk,
Bangalore-560 067

II PARTY

The General Manager
Hindustan Petroleum
Corporation Ltd.,
Indian Express Building,
Bangalore-560 001

Complaint No. 1/05

I PARTY

Shri Shivanandaiah
S/o Veerabhadraiah,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office,
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

Complaint No. 2/05**I PARTY**

Shri Murugesh
S/o Sri Kandaswamy,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

Complaint No. 3/05**I PARTY**

Shri Venkatesh
S/o Sri Chennappa,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

Complaint No. 4/05**I PARTY**

Shri Shivaramaiah,
S/o Sri Muniswamappa,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office,
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

Complaint No. 5/05**I PARTY**

Shri M. Ramayya,
S/o Sri Munivenkatappa,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

Complaint No. 6/05**I PARTY**

Shri Chanpasha,
S/o Sri Syeed Pyarejan,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office,
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

Complaint No. 7/05IPARTY

Shri D. Riyaz,
S/o Sri Sheik Dastagir,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office,
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

Complaint No. 8/05IPARTY

Shri S. Afsar Pasha,
S/o Sri Syeed Pyaru,
Door No. 388/16,
Near Raghavendra Flourmill,
Garudacharpalya,
Bangalore-560 048

II PARTY

The Plant Manager,
The Management of
Hindustan Petroleum
Corporation Ltd.,
Bangalore Regional Office,
3&4, White Field Road,
Garudacharpalya,
Bangalore-560 048

APPEARANCES:

1st Party : Sri V.S. Naik,
Advocate
2nd Party : Shri C.M. Desai,
Advocate.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-20040/62/95-IR (Coal-1) dated 17th October, 1996 for adjudication on the following schedule :

SCHEDULE

"Whether the workmen S/Shri Shivanandaiah, Murugesh, Venkatesh, shivaramaiah, M.Ramaiah, M. Lakkappa, S. Chandpasha, D. Riyas, S. Afsar Pasha and Vasanth Kumar are justified in their demand for regularization with Hindustan Petroleum Corporation Ltd.? If so, to what relief are these workmen entitled?"

2. The case of the first party workmen (eight in numbers) as made out in the Claim Statement, in brief, is that they have been working with the management for several years ranging between the period from 7 to 14, years attending the work of stacking up Cylinders, removing excess/under filled Cylinders from the conveyor, transferring defective Cylinders evacuation stand, placing empty Cylinders on platform for filling, removing empty cylinders from stacks and placing them on platform scales for filling, destalking of full cylinders and placing them on conveyor and also attending to the work of weighing of

the cylinders etc., (Para 2 of Claim Statement) which nature of the work has been carried out even by the regular workmen employed by the management corporation. Even though they have worked for several years, their services have not been regularized by the Corporation which adopted a contract labour system; that the workmen were appointed by the contractor under the direct supervision of the corporation and were working under one Shri M.Govindaswamy Naidu, said to be the labour contractor however, though they were termed as contract workers, their nature of work in no way was different from the work being carried out by the regular employees of the corporation; that the work which is being carried out by the first party, workmen is perennial in nature and it is existing ever since they have been working till this date. They have worked continuously for a period of 240 days and more and therefore, they are entitled to be regularized in service with consequential benefits; that the dispute raised by the first party workmen before the Conciliation Officer resulted into failure report and consequently resulting into the present reference. Therefore, they requested this tribunal to pass an award with a direction to the management to regularize their services w.e.f. the date they completed 240 days continuous service extending them the benefit of regular pay scales, seniority and other service benefits on par with the permanent employees of the corporation.

3. The management/Corporation by its Counter Statement among other things contended that the claim of the first party workmen is misconceived as they have no legal enforceable right to seek regularization of their services in as much as the management has got its own rules and regulations based on recruitment policy received from time to time from the Government of India, Ministry of Labour. According to which policy any vacancy in the non-management category is required to be notified to the local Employment Exchange and selection is made from among the candidates sponsored through the Employment Exchange subject to their fulfilling the required conditions including medical fitness and other source of recruitments are tapped only if Employment Exchange issues a "non-availability certificate"; that the management used to carry out certain miscellaneous activities like house keeping, stacking of cylinders etc. at the LPG Plant for which work it has been engaging the services of the labour contractors and it is up to the contractor to engage services of any body to fulfill his obligation under the contract and the management has got no role to play in carrying out the aforesaid miscellaneous activities except through labour contract; that the first party workmen engaged by various contractors during different periods and at no time they were working under the management directly and their wages were being paid by the contractors. The management engaged permanent employees to carry out regular day to day activities of filling LPG Cylinders and other miscellaneous

activities; that the workmen have not completed continuous service of more than 240 days under the management as contended by them and therefore, they are not entitled to get the relief as sought for under the reference.

4. Before advertng upon the merits of the case, it is worthwhile to bring on record certain developments taken place during the pendency of the present reference. It can be seen from the records vide Ex. M3 series, that while the proceedings were pending before this tribunal, the management by notice dated 1-2-1999 terminated the services of the first party workmen w.e.f. 1-2-1999 on the ground that one Mr. R. Raja who was the labour contractor at the relevant point of time since has been absconding the services of the first party workmen come to an end and the management is looking after some other Contractor in place of the said Raja. It is seen from the records vide Ex. M5 that aggrieved by the aforesaid notices all the first party workmen approached the Hon'ble High Court in writ petition Nos.3936 to 3943/99 seeking the relief of setting aside of the said notices with a direction to the management/corporation to provide them employment and pay wages from 1-2-1999 at the rate of Rs. 68/- per day and to direct the Regional Labour Commissioner (Central) to initiate the proceedings to abolish contract labour system under Section 10 of the Contract Labour Regulation and Abolition Act 1970 (CLRA Act). His Lordship of Hon'ble High Court while clubbing the above said writ petitions along with allied writ petitions disposed of those writ petitions as per Para 2&3 of the said order running as under:—

"In this view of the matter, therefore, it becomes necessary to direct the appropriate Government to take a decision under Section 10 of the Act. It would have been desirable, as observed by the Supreme Court in ALL INDIA GENERAL MAZDOOR TRADE UNION(REGD.) Vs. DELHI ADMINISTRATION AND OTHERS (1995 LLR 456), had the petitioners approached the appropriate government in the first instance. But, since they have approached this court. In the same way the Supreme Court did in the said decision in 1975 LLR 456, a direction needs to be given and is accordingly given to the appropriate government viz. the Central Government, to take a decision under Section 10 of the Act. Such a decision shall be taken within six months from today. Till such time a decision is taken, the Hindustan Petroleum Corporation shall continue to employ the petitioners in all these three sets of writ petitions in the same way as before. The said protection of continuance in service shall extend for a period of one month in the event the said decision goes against the interests of the petitioners workmen.

Writ Petitions disposed of accordingly."

5. Therefore, in the light of the aforesaid directions of the Hon'ble High Court, the proceedings before this Court were kept pending awaiting the decision of the Central Government under Section 10 of the CLRAA. In view of the directions of the Hon'ble High Court, the Central Government by its notification dated 1-3-2001 abolished the contract labour system in the management and in pursuance to the said notification the management discontinued the services of the first party workmen by order dated 21-4-2001. The first party workmen then moved this tribunal and sought for stay of the aforesaid order dated 21-4-2001 pending disposal of the present proceedings and this tribunal by order dated 30-5-2001 allowed the request of the first party workmen with a direction to the management to continue their services pending disposal of the present proceedings. It can be seen from the records that after the aforesaid Central Government notification dated 1-3-2001 abolishing the contract labour system was issued, the proceedings before this tribunal were taken up.

6. During the course of trial, (first round) on behalf of the first party workmen, one of them was examined as WW1 and documents at Ex. W 1 to W-29 were marked. There was no oral or documentary evidence produced on behalf of the management and after hearing the learned counsels for the respective parties, my learned Predecessor by his award dated 10-4-2002 rejected the reference. Aggrieved by this award, the first party workmen approached the Hon'ble High Court in Writ Petition Nos.22950—957/02 and the Hon'ble High Court while setting aside the award, remanded the matter back to this tribunal for fresh disposal of the matter giving opportunities to both the parties to lead further evidence with fresh pleadings if any.

7. After the remand, the first party workmen led further evidence of one of them as WW2 and got marked documents at Ex. W30 to W32. The Management on its behalf filed the affidavit evidence of one Mr. S.K.N. Pillai said to be working as a Plant Manager, LPG and in his further examination chief got marked the documents at Ex.M1 to M8.

8. The statement of WW1 in his examination chief relevant for the purpose was that he along with other seven workmen were working handling cylinders since February 1981 as per the particulars furnished by them vide list at Ex.W1. He stated that they all joined the Second party through the contractor under the supervision of the Second party. The first contractor being one Mr. Muniappa follo ved by other contractors, ending the contractor t / name Mr.Raju (Raja). Their services are being taken by the management through the contractors continuously without any gap. They were paid daily wages at the rate of Rs.68 pe day once in a month and the signatures were being taken on the register and deductions were being made towards PF and ESI vide Ex. W2 to W8 &

Ex.W10 to W13. He stated that they claimed for regularization of their services but in the meantime said contractor, Raju ran away and their services were terminated as per notices at Ex.W.18 to W25. Then, they made a representation at Ex.W26. In his cross examination it was elicited that he and others joined contractors as casual labourer and denied the suggestion that they being casual labourers have been removed from service, there being no work available.

9. WW2, in his examination chief while speaking about the nature of the work he and others were carrying out, stated that the work of stacking the empty cylinders, filling the cylinders and sealing them and checking the leakage of the cylinders and the work was permanent in nature and it is still available with the management and being carried out manually and not by way of automation. He then referred to the report sent by the management to ESI at Ex.W30 with regard to the accident of the workman at Sl.No.4 and the fact that they all have undergone safety training as per Ex. W31 series. Finally, he spoke to the termination orders dated 23-5-2002 marked at Ex.W32. In his cross examination while denying the suggestion that they have worked under the contractors, he further stated that contractors were there for the name sake and the management discontinued their services with a malafide intention though work was still in existence. It was also elicited that he is carrying out the work along with other first party workmen which was being carried out by the permanent workmen of the management. He denied the suggestion that he was working under the Contractor by name Govindaswamy and again stated that he (Govindaswamy) was giving oral instructions to attend the work and not being present on the spot, personally. He also denied the suggestion that he was being paid wages by the Contractor.

10. MW1 in his affidavit evidence has just reiterated the various contentions taken by the management in its Counter Statement. In his further examination chief as noted above, he produced the copies of three contract agreements and the copies of notices dated 1-2-1999, failure report and orders passed in various writ petitions and writ appeal marked at Ex. M1 to M8, respectively. In his cross examination he was unable to say if the first party workmen were working with the management since the year 1995-96. He was not aware of the management obtaining necessary license for engaging the services of the contractors. Being read over with the averments at Para 2 of the Claim Statement giving details of the work being carried out by the first party workmen, he admitted that it was the work being carried out by them incidentally along with stacking and destalking of Cylinders once in a way but not in normal course. He again stated that the above said job as shown in the said para was being carried out by the contract workers alone and not by the permanent employees and denied the suggestion that said

job was being carried out by the contract workers as well as the permanent employees. In his further cross examination he stated that before March 2001 the entire process of modernization of the LPG Plant was completed thereby stacking and destalking of Cylinders being done manually was discontinued and permanent employees were continued to work in production line as usual. Job of filling up of Cylinders was continued in a different way enhancing the production by one quarter and same production continued even as on today. When he was confronted with Ex.W1 showing the particulars of service furnished by the first party workmen, he was not sure about those particulars. He was not aware if the management obtained any license to engage the contractor as per Contract Labour Act. In the last sentence of his cross examination he admitted that the work of stacking and destalking was very much essential and was in existence when the services of the first party were terminated for the first time. He admitted that the first party workmen might have undergone safety training as per the certificates issued by the Govt. of Karnataka marked at Ex.W31 series. In his further cross examination it was elicited that after the modernization of the plant some of the staff was declared as surplus, some of them have been retained in service and some of them have been transferred. There was a decision by the management that even after modernization of land cylinder handling activities shall be continued by the regular employees as and when needed and contract labours should not be employed for the said purpose and that decision was taken on account of abolition of Contract Labour System in respect of those activities.

11. Learned, counsel for the management filed his written arguments so also advanced his oral arguments contending that as per the very admissions made by WW1 and WW2 in their cross examination, they had joined the services of different contractors while working under the management. He submitted that statement of MW1 to the effect that first party workmen were working under the management through contractors has not been shaken in his cross examination and therefore, in the light of the notification issued by the Govt. of India, Ministry of Labour prohibiting the labour contract in respect of the activities being carried out by the first party workmen, the management was justified in terminating their services but they have been continued in service as per the orders by the High Court and then by this tribunal pending disposal of the proceedings. He contended that since the first party workmen have worked as a Contract Labourers, they cannot seek regularization of their services even assuming for a moment that they have worked for a considerable period and for a period of 240 days and more continuously at any point of time. He also raised the contention that in view of the decision of the Hon'ble Supreme Court of India *vide* (2001) 7 SC cases page 1, the dispute before this tribunal

itself is not maintainable. To support his argument learned counsel cited the following six decisions:—

1. 2006 AIR SCQ page No. 1991
2. 2006 ILR KAR Page No. 2853
3. 2006 ILR KAR Page No. 2607
4. 2006(5) AIR KAR Page No. 263
5. 2002(2) Supreme Court Today Page No 406
6. 2001 (7) Supreme Court Cases Page No. 1

12. Whereas, learned counsel for the first party argued that though the first party workmen were engaged through contractors, but such contracts were not genuine contracts but a mere camouflage as undisputedly there was no license obtained by the management to engage the contractors and there is no evidence produced to show that the contractors engaged by the management had obtained valid license under the above said CLRA Act. He submitted that the very fact that a notification has been issued prohibiting the Contractor Labour goes to suggest that the work being carried out by the first party workmen was perennial in nature and this fact also has been admitted by MW1 in his cross examination in so many words. He submitted that if the contracts entered between the contractors and the management were genuine in nature, then, certainly the contract workers would have been different under different contractors, and since undisputedly the first party workmen alone have been working all along for a period of more than 10 to 12 years when their services came to be terminated for the first time in the month of February 1999, this factor must lead to an inference that those were the contracts, not genuine but for the name sake as stated by WW2 in his deposition before this tribunal. Therefore, learned counsel submitted that keeping in view of the fact that contract labour has been abolished by the notification and the contract labour as such was not genuine and that first party workmen were carrying out permanent nature of the work which work is now being carried out by the permanent employees, the management being the principal employer is under the obligation and duty bound to regularize the services of the first party workmen. In this context he took support of a principle laid down by their Lordship of Supreme Court in the case of Steel Authority of India Ltd Vs. National Union Water Front Workers reported in Supreme Court Cases 2001 (7) SC cases (It was also cited by Management).

13. At the outset I would like to take up the contention of the management as to whether the present dispute itself is not maintainable in the light of the decision of their Lordship of Supreme Court reported in (2001) 7 SC cases. It is not understandable as to how the management perceived the principle laid down by their Lordship of Supreme Court in the said case about the maintainability of the dispute. Para 125(5) of the said decision makes it abundantly clear

on issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question as to whether there is a genuine contract or is a mere ruse/camouflage to evade the compliance with the various beneficial legislations so as to deprive the workers of the benefit there under. At para 126, the position on the point is made much more clear by saying that in such cases the appropriate authority to go into those issues will be the Industrial Tribunal/court whose determination will be amenable to judicial review. Therefore, from the very principle laid down by their Lordship of Supreme Court, it is crystal clear that this tribunal has got jurisdiction to entertain the present dispute as admittedly there is a notification by Govt. of India under the CLRA Act prohibiting employment of Contract Labour. At the initial stage when the reference was made to this tribunal, it was not maintainable in the absence of any such notification but when such a notification has been issued and the present proceedings were kept pending under the orders of the Hon'ble High Court awaiting the decision from the Government with regard to the notification to be issued under Section 10(1) of the CLRA Act prohibiting employment of Contract labour. Now, there cannot be any contention raised by the management with regard to the non-maintainability of the present dispute.

14. Now coming to the merits of the case, after having gone through the records, I find substance in the arguments advanced for the first party. The facts not very much disputed in the case are that the first party workmen joined the services of the management as a labour contract, under different contractors and to that effect management has also produced copies of three such agreements entered into between the Contractor and the management for different periods. The very fact that Govt. of India issued a notification abolishing the contract system is again a circumstance to suggest that the so called contract system did exist in the management and that came to be abolished, being the activities of the contract labours being permanent in nature. Now the only point to be gone into would be whether those contracts purporting to have engaged the workmen with the management were genuine contracts or a mere camouflage i.e. for the name sake so as to deny the various service benefits to the first party workman on par with the permanent employees. In the instant case as noted above, it is not in dispute that first party workmen have been working with the management all along for the period of more than 10 years *vide* Ex. W1 (particulars of which not disputed by the Management) carrying out the very same functions and activities as claimed by them in para 2 of the Claim Statement and admitted by MW1 in his cross examination. Therefore, as argued for the first party, if the nature of the work or activities being carried out by the first party workmen all

along were the same for such a considerable period, then a question arises as to why the first party workmen alone were being engaged to carry out those activities when according to the management many contractors were engaged by it to provide the labour during different periods. When the contractors changed from time to time then it is quite natural that the labour force also must change from one contractor to another. In the instant case interestingly, same first party workmen continued to work for such a long time but in the name of different contractors. Therefore, this circumstance alone must give rise to the inference that the plea of the management that the first party workmen had been carrying out the aforesaid activities under different contractors and that these are the workmen not engaged by the management directly under their supervision is not plausible and acceptable. As contended for the first party, there has been no oral or documentary evidence produced by the management to suggest that the management obtained license or the Contractors as such had obtained the license as provided under CLRA Act so that contractors could employ the contract labour and the management could take services of the contract labour. MWI in his cross examination was unable to say that any such license was either obtained by the management or contractors were having any such license so as to provide labour with the management. In regard to the regulatory measures, Section 7 of CLRA Act requires the principal employer of an establishment to get itself registered under the Act. Section 12 of the Act obliges every contractor to obtain license under the provisions of the said Act. Section 12(1) bars a contractor from undertaking or executing any work through contract labour except under and in accordance with a license. Section 9 of the Act bars the principal employer of an establishment, not registered or registration of which has been revoked under section 8, from employing contract labour in the establishment. Therefore, admittedly, when there is no evidence forthcoming on behalf of the management of obtaining any such licence much less any evidence to suggest that the so called contractors engaged by it to provide the labour had obtained any such licence as required under the law then the contention taken by the management that the first party workmen were the contract labour carrying out the aforesaid activities under the control and supervision of the contractors, must fail.

15. Now coming to the question as to whether the work being carried out by the first party workmen was perennial in nature still existing with the management much less was existing when services of the first party workmen were terminated for the first time in February 1999. It was again well argued for the first party that from the very nature of the work and the activities shown in Para 2 of the Claim Statement and not disputed by MWI in his cross examination would make it abundantly clear that the aforesaid activities of handling of Cylinders, the work carried out by the workmen was permanent in nature and

that appears to be one of the reasons for the Ministry of Labour, Govt of India issuing the notification prohibiting the contract labour. MWI as noted above, in no uncertain words in cross examination stated that the job shown in para 2 of the claim statement is being carried out by the contractor workers alone and not by the permanent employees. In his further cross examination he was to say that before March 2001 the entire process of modernization of the said plant was completed and the work of stacking and destacking of cylinders being done manually was discontinued. He further stated that job of filling up of cylinders was continued in a different way enhancing the production by one quarter and the same production continued even as on today. In the last para of his cross examination MWI admitted that the work of stacking and destacking was very much essential and was in existence when the services of the first party were terminated for the first time. Therefore, in the light of the above, now it does not lie in the mouth of the management to say that the nature of the work which was being carried out by the first party workmen was not perennial in nature or that it came to be discontinued even after the modernization of the LPG Plant. The fact that the first party workmen have been issued ID cards by the management and there used to be deductions from their wages towards PF and ESI is again very much undisputed in this case. The fact that the first party workmen have undergone safety training has been proved in the certificates at Ex. W31 series regarding which suggestion was made to MWI and he was unable to deny this fact. Now, therefore, from the evidence brought on record and the facts undisputed, it becomes crystal clear that the first party workmen were carrying out the work which was perennial in nature and that work was still in existence as on 24-8-2006 when MWI was examined before this tribunal. As noted above, the plea of the Contract labour taken by the management has not only not been supported by any oral or documentary evidence, there being no license obtained by the management or contractor under the provisions of CLRA Act as discussed above, but also for the reasons that the very first party workmen continued to work with the management though contractors changed from time to time. It is again a strong circumstance to suggest that they were in fact being employed by the management itself but in the name of different contractors. Otherwise, as noted above, workers being provided by way of labour contract by different contractors must have been different from time to time. Therefore, as argued for the first party, the plea of the contract taken by the management is just to see that the claim of the first party workmen gets defeated. It was not a genuine contract but the contract by way of ruse/camouflage had been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under and therefore the so called contract will have to be treated as employees of the principal employer. Their Lordship of

Supreme Court in the above said Steel Authority of India' case while dealing with a question similar to one on hand at para 125(5) of the decision laid down the principle as under:—

"On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislature so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of Para 6 hereunder."

16. In the instant case this tribunal was required to see whether the contract labour was provided to the management in connection with the work of an establishment by the principal employer through a contractor or by a contractor with or without the knowledge of the principal employer. From the evidence on record it can be seen that the first party workmen are hired by the so called contractors in connection with the work of an establishment by the principal employer namely, the management. Therefore, as held by their Lordship of Supreme Court once again in the aforesaid decision at para 71, the contractor merely acts as an agent so there will be a master and servant relationship between the employer and the workmen. Therefore as observed by their Lordships, if the contract is found to be not genuine but a mere camouflage, the so called contract labour shall be treated as an employee of the principal employer and in the instant case, the first party workmen as the employees of the management. Their Lordship further made it clear that in such cases, the principal employer shall be directed to regularize the services of the contract labourer in the establishment concerned subject to the condition laid down under Sub Para 6. Sub Para 6 will come into play when the contract found to be genuine and therefore, in the instant case since contract is not found to be genuine, I must go by the observations and principles laid down by their Lordship made at sub para 5 of para 25 of the said decision. In the result it goes without saying that first party workmen are the employees of the management and the management shall regularize their services.

17. The principle laid down by their Lordship of Supreme Court in the aforesaid decisions reported in 2006 AIR SCW 1991 and ILR 2006 Kar 2607 will not be applicable to the facts of the present case as we are not dealing with the dispute raised by the daily wagers or temporary workers directly employed by the management. The facts involved in the present case entirely come under the purview of the principle laid down by their Lordship of Supreme Court in the decision already referred to supra reported in 2001 (7) SC Page 1.

18. As seen above, for the first time the management terminated the services of the first party workmen in the month of February 1999 on the ground that their contractor by name Mr. Raja had absconded. This order of termination was challenged before the High Court as noted above, and came to be set aside by the Hon'ble High Court with a direction to the management to continue their services during the pendency of the present proceedings. Once again when notification was issued prohibiting the contract labour w.e.f. 1-3-2001, the management terminated the services of the first party workmen and that termination order came to be stayed by this tribunal allowing the first party to continue in service pending disposal of the reference on hand. For the 3rd time the management terminated the services of the first party workmen by order dated 23-5-2002 in the light of the award dated 10-4-2002 passed by this tribunal rejecting the reference of the first party workmen. Therefore, as on today the first party workmen are out of the service of the management.

19. It is at this juncture I want to take up the 8 separate complaints filed by 8 different first party workmen under Section 33A of the ID Act, which complaints have been clubbed with the present proceedings involving common question of law and facts. Under these complaints the first party workmen have challenged the order passed by the management dated 23-5-2002 terminating their services on the ground that their reference came to be rejected. Their contention is that the award rejecting the reference on hand passed on 10-4-2002 was received in the office of Ministry of Labour, New Delhi on 30-4-2002. In the notification dated 20-4-2002 issued by the Under Secretary, Govt. of India Ministry of Labour, New Delhi it is stated that the award to be published in part II Section 3 Sub section II of the Gazette of India not later than 24-5-2002 and therefore, as on 23-5-2002 when the termination orders were passed the dispute rather the proceedings under the dispute were still deemed to be pending as undisputedly award was published subsequent to 30-4-2002 and since the award becomes enforceable rather effective 30 days after the date of publication, the dispute was still in existence and therefore, order of termination was in violation of 33 of the Act and hence is liable to be set aside by this tribunal. The aforesaid facts are not disputed by the management. It is not in dispute that aforesaid termination order against the first party workmen have been issued before the award passed by this tribunal rejecting the reference became final.

That means to say that those termination orders were passed pending proceedings in reference before this tribunal and therefore, they were in violation of section 33 of the Act and in the result they are liable to be set and the first party workmen will have to be reinstated in service. Keeping in view the facts and circumstances of the case, they shall be entitled to 50 per cent of the back wages from the date of termination i.e. 23-5-2002 till the date of their reinstatement and their services should be regularized w.e.f. the date of the award to be passed hereunder after its publication. Hence the following award :—

AWARD

The management is directed to reinstate the first party workmen in service with 50 per cent of the back wages (last drawn wages) w.e.f. 23-5-2002 till the date of reinstatement and shall regularize the services of the first party workmen w.e.f. the date of publication of this award, paying them benefits of services at par with the permanent employees working under it. Accordingly, Complaint No. 1/05 to 8/05 are allowed and termination orders dated 23-5-2002 passed against the first party workmen are hereby set aside and reference is disposed off. Copy of the award be kept in Complaint No. 1/05 to 8/05. No Costs.

(Dictated to PA transcribed by her corrected and signed by me on 26th September 2006)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 2006

का.आ 4342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 198/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-11)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4342.— In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 198/2004) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT-cum-Labour Court at Hyderabad under Section 20 of the Legal Services Authorities Act, 1987)

Tuesday the Twenty Sixth date of September, Two Thousand and Six

PRESENT:

1. Sri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A.K. Jayaprakash Rao, Advocate : Member

(Constituted U/s 19 of the LSA Act, 1987 by the APSLA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

PLAC. 1/2006

In the matter of case No. LCID 198/2004
(on the file of CGIT-cum-Labour Court at Hyderabad)

Between :

Sri Putta Rajaiah

S/o Rayamallu

..... Applicant

And

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.,
RG-II, Godavarikhani Karimnagar District.
2. The Superintendent of Mines,
GDK-10A Incline,
M/s. Singareni Collieries Co. Ltd.,
Godavarikhani, Karimnagar District.
3. The Addl. Chief Mining Engineer,
GDK-9 & 10A Incline,
M/s. Singareni Collieries Co. Ltd.,
Karimnagar District. Respondents

This case is coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri P.A.V.V.S. Sarm on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following:

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clause (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler a fresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Signature of Applicant (s) Signature of Respondent
Signature of Counsel for Applicant (s)

Signature of Counsel for Respondent (s)

Signature of Members of the Bench.

1. Ashok Bhabu, District Judge
2. A. K. Jayaprakash—Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec.21(2) of the LSA Act, 1987.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT
HYDERABAD**

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals:

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to medical fitness by the company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act 1987.

Sd/-

DGM(LAW)HIYD

नई दिल्ली, 13 अक्टूबर, 2006

का.आ 4343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 118/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-11)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4343.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 118/2005) of the Central Government Industrial Tribunal/Labour Court Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR(C-11)]

AJAY KUMAR GAUR, Desk Officer,

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT-cum-Labour Court at Hyderabad under Section 20 of the Legal Services Authorities Act, 1987)
**Tuesday the Twenty Sixth date of September,
Two Thousand and Six**

PRESENT:

1. Sri K. Ashok Babu, District Judge, : Presiding Officer

2. Sri A.K. Jayaprakash Rao, Advocate : Member
(Constituted U/s 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of case No. LCID 118/2005

(on the file of CGIT-cum-Labour Court at Hyderabad)

PLAC. 4/2006

Between :

Sri Gorlapalli Anikulu

S/o Kondaiah

..... Applicant

And

The General Manager,

M/s. Singareni Collieries Co. Ltd.,

Mandamarri Area, Adilabad District Respondent

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel,

Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri V. R. Balachary on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following:

**AWARD UNDER SECTION 21 OF THE LSA.
ACT, 1987**

The Petitioner having agreed to the detailed proposals of the Management [Clauses (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Signature of Applicant(s) Signature of Respondent(s)

Signature of Counsel for Applicant(s)

Signature of Counsel for Respondent(s)

Signature of Members of the Bench.

1. Ashok Bhabu, District Judge

2. A. K. Jayaprakash—Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any counter per Sec. 21(2) of the LSA Act, 1987.

LC 118/2005

PLAC No. 4/2006

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT
HYDERABAD**

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to medical fitness by the company Medical Board.
- At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is

available and need not be the same place where the workman was last employed.

- The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act 1987

Sd/-

DGM(LAW)HYD

नई दिल्ली 13 अक्टूबर, 2006

का.आ 4344.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 79/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4344.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 79/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**IN THE LOK ADALAT
(FOR SETTLEMENT OF CASES RELATING TO
CGIT-CUM-LABOUR COURT AT HYDERABAD
UNDER SECTION 20 OF THE LEGAL SERVICES
AUTHORITIES ACT, 1987)**

Tuesday the Twenty Sixth day of September, Two
Thousand Six

PRESENT

- Shri K. Ashok Babu, District Judge, : Presiding Officer
- Sri A.K. Jayaprakash Rao, Advocate : Member
(Constituted U/s. 19 of the LSA Act, 1987 by the
APSLA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. LCID 79/2006 PLAC 2/2006
(On the file of CGIT-cum-Labour Court at Hyderabad)

BETWEEN:

Sri Durgam Posham,Applicant
S/o Arjun

AND

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.
Mandamrri Area, Mandamarri,
Adilabad District.
2. The Colliery Manager, KK-2, Incline.
M/s. Singareni Collieries Co. Ltd.
Kalyankhani, Adilabad District.Respondents

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE LSA. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clause (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impression in the presence of the members of this Lok Adalat Bench.

L.T. Durgam	Sd./-
Signature of Applicant(s)	Signature of Respondent(s)
Sd./-	Sd./-
Illegible	
Signature of Counsel for Applicant(s) Sd./-	Signature of Counsel for Respondent(s)
Signature of Members of the Bench.	

ASHOK BABU, District Judge
A.K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD**

LCID No. 17/2004 & 43 Others

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of

Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service subject to Medical fitness by Company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act, 1987.

Sd/-

DGM(LAW)HYD.

नई दिल्ली, 13 अक्टूबर, 2006

का.आ. 4345-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 76/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4345.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 76/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in

the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(FOR SETTLEMENT OF CASES RELATING TO CGIT-CUM-LABOUR COURT AT HYDERABAD

Under Section 20 Of The Legal Services

Authority Act, 1987)

Tuesday the Twenty Sixth day of September, Two
Thousand and Six

PRESENT :

1. Shri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A.K. Jayaprakash Rao, Advocate : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the
APSLA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. LCID 76/2006 PLAC 3/2006

(On the file of CGIT cum Labour Court at Hyderabad)

BETWEEN

Sri Peruka Sampath,
S/o Lingaiah

.....Applicant

AND

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.
RG-I Area, Godavārikhani,
Adilabad District.
2. The Colliery Manager, GDK 11A, Incline,
M/s. Singareni Collieries Co. Ltd.
Godavarikhani, Karimnagar District.Respondents

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by this counsel, Sri C. Vijaya Shekhar Reddy on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE LSA ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clause (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have

affixed their signatures/ thumb impressions in the presence of the members of this Lok Adalat Bench.

Sd/-

Sd/-

Signature of Applicant(s)

Signature of Respondent(s)

Sd/-

Sd/-

Signature of Counsel for
Applicant(s) Sd/-

Signature of Counsel for
Respondent(s)

Signature of Members of the Bench.

ASHOK BABU, District Judge

A.K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

LC. 76/2005

PLAC No. 3/2006

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HYDERABAD

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours

of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act, 1987.

Sd/-
DGM (LAW) HYD

नई दिल्ली, 13 अक्टूबर, 2006

का.आ. 4346—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 68/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4346.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 68/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer
ANNEXURE

IN THE LOK ADALAT

(FOR SETTLEMENT OF CASES RELATING TO
CGIT-CUM-LABOUR COURT AT HYDERABAD
UNDER SECTION 20 OF THE LEGAL SERVICES
AUTHORITIES ACT, 1987)

Tuesday the Twenty Sixth day of September, Two
Thousand and Six

PRESENT :

1. Shri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A.K. Jayaprakash Rao, Advocate : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the
APSLA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. LCID 68/2006 PLAC 5/2006
(On the file of CGIT cum Labour Court at Hyderabad)

BETWEEN

Sri Koduri Kumara Swamy, Applicant
S/o Narayana

AND

1. The Director (Personnel, Admn. & Welfare)
M/s. Singareni Collieries Co. Ltd.
Kothagudem, Khammam District

2. The Project Officer, IK & CH Mines,
M/s. Singareni Collieries Co. Ltd.
Srirampur Area, Srirampur,
Adilabad District.

... Respondents

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE LSA ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clause (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impressions in the presence of the members of this Lok Adalat Bench.

Signature of Applicant(s) Signature of Respondent(s)

Signature of Counsel for Signature of Counsel for
Applicant(s) Respondent(s)

Signature of Members of the Bench.

ASHOK BABU, District Judge

A.K. JAYAPRAKASHA, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

LC. 68/2006

PLAC No. 13/2006

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD**

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided

dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.

- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act, 1987.

Sd/-

DGM(LAW) HYD

नई दिल्ली, 13 अक्टूबर, 2006

का.आ. 4347-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के फंचाट (संदर्भ संख्या 67/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 434.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

34449/06-16

ANNEXURE

IN THE LOKADALAT

(FOR SETTLEMENT OF CASES RELATING TO CGIT-CUM-LABOUR COURT AT HYDERABAD UNDER SECTION 20 OF THE LEGAL SERVICES AUTHORITIES ACT, 1987)

Tuesday the Twenty Sixth day of September, Two Thousand and Six

PRESENT :

1. Shri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A.K. Jayaprakash Rao, Advocate : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dtd. 22-8-2006)

In the matter of Case No. LCID 67/2006 PLAC 12/2006

(On the file of CGIT cum Labour Court at Hyderabad)

BETWEEN

Sri Rangineni Chandraiah,
S/o Pochaiah

.....Applicant

AND

1. The General Manager Respondents
M/s. Singareni Collieries Co. Ltd.
Mandamarri Area, Mandamarri,
Adilabad District.
2. The Superintendent of Mines, Shanti Khani,
M/s. Singareni Collieries Co. Ltd.
Mandamarri, Adilabad District.

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva, Reddy and the Respondent too, being present in person on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clauses (a) to (g)], the contents of which are read over the explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as; Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impressions in the presence of the members of this Lok Adalat Bench.

(L.T.R. Chandraiah)

Sd/-

(Illegible)

Signature of Applicant(s)

Signature of Respondent(s)

Signature of Counsel for Applicant(s)

Signature of Counsel for Respondent(s)

Signature of Members of the Bench.

Sd/-

1. ASHOK BABU, District Judge

Sd/-

2. A.K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

LC ID 67/2006

PLAC 12/2006

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD**

LCID No. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to Medical fitness by Company Medical Board.
- At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- Any forced absenteeism on account of mine accidents/natural disease, treatment taken at

Company's Hospitals will be deemed as attendance during the trial period.

- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under Section 21 of SLA Act, 1987.

Sd/-

DGM(LAW)HYD

Thumb Impression

(R. Chandraiah)

Sd/-

(Illegible)

नई दिल्ली 13 अक्टूबर, 2006

का.आ. 4348-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 50/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4348.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOKADALAT

**(FOR SETTLEMENT OF CASES RELATING TO
CGIT-CUM-LABOUR COURT AT HYDERABAD
UNDER SECTION 20 OF THE LEGAL SERVICES
AUTHORITIES ACT, 1987)**

**Tuesday the Twenty Sixth day of September, Two
Thousand and Six**

PRESENT :

- Shri K. Ashok Babu, District Judge, : Presiding Officer
- Sri A.K. Jayaprakash Rao, Advocate : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the
APSLA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

**In the matter of Case No. LCID 50/2006 PLAC 11/2006
(On the file of CGIT-cum-Labour Court at Hyderabad)
BETWEEN**

Sri Durgam Tirupathi,Applicant
S/o Poshamallu

AND

1. The General Manager ... Respondents
M/s. Singareni Collieries Co. Ltd.
Mandamarri Area, Mandamarri,
Adilabad District.
2. The Colliery Manager, KK-2 Incline,
M/s. Singareni Collieries Co. Ltd.
Mandamarri Area, Adilabad District.

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri M. Shankar Narayan on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivery the following :

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clauses (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impression in the presence of the members of this Lok Adalat Bench.

Sd./-	Sd./-
Signature of Applicant(s)	Signature of Respondent(s)
Sd./-	Sd./-
Signature of Counsel for Applicant(s)	Signature of Counsel for Respondent(s)
Signature of Members of the Bench.	

Sd/
ASHOK BABU, District Judge
Sd/-

A.K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

LC ID 50/2006

PLAC 11/2006

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD**

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of

the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to medical fitness by Company Medical Board.
- At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh..

The Hon'ble Members may kindly take note of the above and pass consent award under Section 21 of SLA Act, 1987.

Sd/-

DGM(LAW)HYD

नई दिल्ली 13 अक्टूबर, 2006

का.आ. 4349-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 49/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी 11)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4349.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s: SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE
IN THE LOK ADALAT
(FOR SETTLEMENT OF CASES RELATING TO
CGIT-CUM-LABOUR COURT AT HYDERABAD
UNDER SECTION 20 OF THE LEGAL SERVICES
AUTHORITIES ACT, 1987)

Tuesday the Twenty Sixth day of September, Two
Thousand and Six

PRESENT :

1. Shri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A.K. Jayaprakash Rao, Advocate : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the
APSLA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. **LCID 49/2006 PLAC. 10/2006**
(On the file of **CGIT-cum-Labour Court at Hyderabad**)

BETWEEN

Sri A. Raj Kumar,Applicant
S/o Ramulu

AND

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.
RG-I Area, Godavarikhani,
Karimnagar District.
2. The Colliery Manager, GDK. 1 Incline,
M/s. Singareni Collieries Co. Ltd.,
Godavarikhani, Karimnagar District. . . . Respondents

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri M. Shankaran Narayan on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and deliver the following :

AWARD UNDER SECTION 21 OF THE L. S. A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clauses (a) to (g)], the contents of which are read over and explained to him in his

language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impressions in the presence of the members of this Lok Adalat Bench.

Signature of Applicant(s)	Signature of Respondent(s)
Signature of Counsel for Applicant(s)	Signature of Counsel for Respondent(s)

Signature of Members of the Bench.

1. ASHOK BABU, District Judge
2. A.K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

LC I D 49/2006

PLAC. 10/2006

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to medical fitness by Company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.

(f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.

(g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment and afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under Section 21 of SLA Act, 1987.

Sd/-

DGM(LAW)HYD

नई दिल्ली 13 अक्टूबर, 2006

का.आ.4350-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 45/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4350.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 45/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(FOR SETTLEMENT OF CASES RELATING TO CGIT-CUM-LABOUR COURT AT HYDERABAD UNDER SECTION 20 OF THE LEGAL SERVICES AUTHORITIES ACT, 1987)

Tuesday the Twenty Sixth day of September, Two
Thousand and Six

PRESENT :

1. Shri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A.K. Jayaprakash Rao, Advocate : Member
(Constituted U/s. 19 of the LSA Act, 1987 by the
APLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. LCID 45/2006 PLAC. 9/2006 (On the file of CGIT-cum-Labour Court at Hyderabad) BETWEEN

Sri Suddala Rajamallu

S/o Narsaiah

....Applicant

AND

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Mandamarri Area, Mandamarri,
Adilabad District.
2. The Colliery Manager, KK-2 Incline,
M/s. Singareni Collieries Co. Ltd.,
Mandamarri Area, Adilabad District.Respondents

This case coming up before the Lok Adalat on 26-9-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri M. Shankaran Narayan on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and deliver the following :

AWARD UNDER SECTION 2 OF THE LSA ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management. [Clauses (a) to (g)], the contents of which are read over the explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impressions in the presence of the members of this Lok Adalat Bench.

Signature of Applicant(s)	Signature of Respondent(s)
Signature of Counsel for Applicant(s)	Signature of Counsel for Respondent(s)

Signature of Members of the Bench.

1. ASHOK BABU, District Judge
2. A. K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HYDERABAD

LCID. No. 17/2004 & 43 OTHERS

Proposals of the Management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd., agrees to put forth the following proposals :

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to medical fitness by Company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under Section 21 of SLA Act, 1987.

Sd/-

DGM(LAW)HYD

S. Rajnath
29-9-2006

नई दिल्ली 13 अक्टूबर, 2006

का.आ. 4351.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 41/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आइ आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4351.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which

was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(FOR SETTLEMENT OF CASES RELATING TO CGIT-CUM-LABOUR COURT AT HYDERABAD UNDER SECTION 20 OF THE LEGAL SERVICES AUTHORITIES ACT, 1987)

Tuesday the Twenty Sixth day of September, Two Thousand and Six

PRESENT :

1. Shri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A. K. Jayaprakash Rao, Advocate : Member
(Constituted U/s. 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. LCID 41/2006 PLAC. 8/2006
(On the file of CGIT-cum-Labour Court at Hyderabad)

BETWEEN:

Sri Choppari Balraju,Applicant
S/o Lingaiah

AND

1. The General ManagerRespondents
M/s. Singareni Collieries Co. Ltd.
Srirampur Area, Srirampur,
Adilabad District.
2. The Colliery Manager, R K. NT Incline,
M/s. Singareni Collieries Co. Ltd.
Srirampur Area, Srirampur,
Adilabad District.

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel Sri M. Shankar Narayan on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clauses (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impression in the presence of the members of this Lok Adalat Bench.

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any shorts fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.
Srirampur Area, Srirampur,
Adilabad District.
2. The Colliery Manager, R K. 5 Incline,
M/s. Singareni Collieries Co. Ltd.,
Srirampur Area, Srirampur,
Adilabad District.

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri P.A.V.V.S. Say on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE L. S. A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clause (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/ thumb impressions in the presence of the members of this Lok Adalat Bench.

Sd/-	Sd/-
Signature of Applicant(s)	Signature of Respondent(s)
Sd/-	Sd/-
Signature of Counsel for Applicant(s)	Signature of Counsel for Respondent(s)

Signature of Members of the Bench.

ASHOK BABU, District Judge

A.K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of the LSA Act, 1987

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT,
HYDERABAD**

LCID No. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- Absenteeism apart from pending cases will be considered only for such other cases provided

dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.

- Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act, 1987.

Sd/-

DGM (LAW) HYD

नई दिल्ली 13 अक्टूबर, 2006

का.आ. 4353.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 10/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4353.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE
IN THE LOK ADALAT
(FOR SETTLEMENT OF CASES RELATING TO
CGIT-CUM-LABOUR COURT AT HYDERABAD
UNDER SECTION 20 OF THE LEGAL SERVICES
AUTHORITIES ACT, 1987)

Tuesday the Twenty Sixth day of September, Two
 Thousand and Six

PRESENT:

1. Shri K. Ashok Babu, District Judge, : Presiding Officer
2. Sri A.K. Jayaprakash Rao, Advocate : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the
 APSLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. LCID 10/2006 PLAC 6/2006
 (On the file of CGIT-cum-Labour Court at Hyderabad)

BETWEEN

Sri Boijapalli Veera Swamy,Applicant
 S/o Lokshmaiah

AND

1. The General Manager Respondents
 M/s. Singareni Collieries Co. Ltd.
 Mandamarri Area,
 Adilabad District.
2. The Colliery Manager, Shantikarnimine,
 M/s. Singareni Collieries Co. Ltd.
 Mandamarri Area,
 Adilabad District.

This case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri M. Shankar Narayan on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE LSA. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clause (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

L.T.B. Veera Swamy

Sd./-

Signature of Applicant(s)

Signature of Respondent(s)

34449/06-17

Sd./-

Signature of Counsel for
 Applicant(s)

Sd./-

Signature of Counsel for
 Respondent(s)

Signature of Members of the Bench.

ASHOK BABU, District Judge
 A.K. JAYAPRAKASH, Member

Note : This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd. agrees to put forth the following proposals :

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to medical fitness by Company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act, 1987.

Sd/-

DGM(LAW)HYD

नई दिल्ली, 13 अक्टूबर, 2006

का.आ. 4354.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. कं प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 9/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार का 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर(सी-11)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4354— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 13-10-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT-cum-Labour Court at Hyderabad under Section 20 of the Legal Services Authorities Act, 1987)

Tuesday the 26th September, 2006

PRESENT:

1. K. Ashok Babu, : Presiding Officer
District Judge,
2. Sri A.K. Jayaprakash Rao, : Member
Advocate

(Constituted U/s. 19 of the LSA 1987 Act, by the APSLSA Order ROC No. 186/LSA/2006, dt. 22-8-2006)

In the matter of case No. **LCID 9/2006 PLAC. 14/2006**
(on the file of CGIT-cum-Labour Court at Hyderabad)

Between :

Sri Datla Shankar,
S/o. Rajaiah

.....Applicant

AND

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Mandamarri Area,
Mandamarri,
Adilabad District.

2. The Superintendent of Mines,
KK-5 Incline,
M/s. Singareni Collieries Co. Ltd.,
Mandamarri area,
Mandamarri,
Adilabad
District.

.....Respondents

The case coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri M. Shankar Narayan on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clauses (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), the Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Sd/-	Sd/-
Signature of Applicant(s)	Signature of Respondent (s)
Sd/-	Sd/-
Signature of Counsel for Applicant(s)	Signature of Counsel for Respondent (s)

Signature of Members of the Bench.

Sd/-

1. ASHOK BABU, District Judge

Sd/-

2. A.K. JAYAPARAKASH, Member.

Note: This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

L.C. 9/06

PLAC No. 14/06

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD**

LCID NO. 17/2004 & 43 OTHERS

Proposals of the management

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of

Singareni Collieries Co. Ltd., agrees to put forth the following proposals :

- (a) Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service subject to medical fitness by company Medical Board.
- (b) At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be considered only for such other cases provided dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- (e) The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short-fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- (g) All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under section 21 of SLA Act 1987.

Sd/- (Illegible)
DGM(LAW)HYD.

नई दिल्ली, 13 अक्टूबर, 2006

का.आ. 4355.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 52/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-22012/276/2004-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th October, 2006

S.O. 4355.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of M/s. Singareni Collieries Company Limited, and their workman, received by the Central Government on 13-10-2006.

[No. L-22012/276/2004-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT-cum-Labour Court at Hyderabad under Section 20 of the Legal Services Authorities Act, 1987)

Tuesday, the 26th September, 2006

PRESENT:

1. K. Ashok Babu, : Presiding Officer
District Judge,
2. Sri A.K. Jayaprakash Rao : Member
Advocate

(Constituted U/s. 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006, dt. 22-8-2006)

In the matter of case No. ID 52/2005 PLAC. 13/2006

(on the file of CGIT-cum-Labour Court at Hyderabad)

Between:

The General Secretary,
(Sri Bandari Satyanarayana),
Singareni Collieries Employees Council
(INTUC)

.....Applicant

AND

1. The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Sreerampur Division,
Sreerampur-504303.

.....Respondents

This dispute referred by Government of India, Ministry of Labour and Employment vide order No. L-22012/276/2004-IR(C-II) dated 12-7-2005 coming up before the Lok Adalat on 26-09-2006 for settlement in the presence of the applicant appearing in person/represented by his counsel, Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri C. Vijaya Shekar Reddy on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following:

The Schedule of the Reference order is:

“Whether the demand of Singareni Collieries Employees Council for reinstatement of

Shri Durgam Shankar, Coal Filler, RK-8 Inc., Sreerampur Division into the services of Singareni Collieries Co. Ltd., is legal and justified? If so, to what relief the workman is entitled?"

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The Petitioner having agreed to the detailed proposals of the Management [Clauses (a) to (g)], the contents of which are read over and explained to him in his language and agreed by him by signing the proposal sheet (enclosed to the Award), The Respondent is directed to take him back to duty forthwith as, Badli Coal Filler afresh wherever coal filling is available.

This ID is disposed of accordingly.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Sd/-	Sd/-
Signature of Applicant(s)	Signature of Respondent(s)
Sd/-	Sd/-
Signature of Counsel for Applicant(s)	Signature of Counsel for Respondent(s)

Signature of Members of the Bench.

Sd/-

1. ASHOK BABU, District Judge

Sd/-

2. A.K. JAYAPARAKASH, Member.

Note: This Award is final and binding on all the parties and no appeal shall lie to any court as per Sec. 21(2) of the LSA Act, 1987.

PLAC. No. 13/06

LCID No. 52/05

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HYDERABAD

LCID NO. 17/2004 and 43 OTHERS

Proposals of the Management :

In order to have speedy and effective settlement of the cases before the Hon'ble Tribunal, Management of Singareni Collieries Co. Ltd., agrees to put forth the following proposals :

- Absenteeism cases pending before Tribunal as fresh appointment as Badli Coal Filler without back wages and continuity of service. Subject to medical fitness by Company Medical Board.
- At least 100 musters in any of the two years of the preceding 5 years of the dismissal.
- Absenteeism apart from pending cases will be considered only for such other cases provided

dismissal is on or after 1-6-2006. Cases not filed as on 31-5-2006 will not be treated for consideration on the ground of judicial precedents.

- Irrespective of designations appointment will be as BCF afresh on coal filling where coal filling is available and need not be the same place where the workman was last employed.
- The observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any short fall of attendance during the 3 months period, the services will be terminated without any further notice and enquiry.
- Any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- All other usual terms and conditions of appointment will be applicable i.e. transfer, hours of work, days of rest, holidays etc. for appointment afresh.

The Hon'ble Members may kindly take note of the above and pass consent award under Section 21 of the SLA Act, 1987.

Sd/-

DGM(LAW) Hyd.

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4356.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. 6/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/184/2004-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4356.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 6/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad and their workman, which was received by the Central Government on 13-10-2006.

[No. L-12012/184/2004-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD****PRESENT:**

SHRI T. RAMACHANDRA REDDY, Presiding Officer

Dated the 22nd day of September, 2006

INDUSTRIAL DISPUTE NO. 6/2005**BETWEEN:**Sri T. Rajesh,
H. No. 1-4-848/A, New Bakaram,
Musheerabad,

Hyderabad.

... Petitioner

ANDThe Branch Manager,
State Bank of Hyderabad,
Prenderghast Road,
Secunderabad-500 003.

... Respondent

APPEARANCES:For the Petitioner : M/s. C. Suryanarayana Rao,
C. Sridhar, C. Chakradhar, K. Ajay
Kumar & S. Srikanth, Advocates

For the Respondent : NIL

AWARD

The Central Government, Ministry of Labour, by its order No. L-12012/184/2004-IR (B-I) dated 28-12-2004 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of State Bank of Hyderabad and their workman. The reference is,

SCHEDULE

"Whether the action of the management of State Bank of Hyderabad in terminating the services of Sri T. Rajesh from its service is fair and justifiable and if not, what relief the aggrieved is entitled to. The reference is numbered in this Tribunal as I.D. No. 6/2005 and notices were issued to the parties?"

2. The Petitioner is absenting himself since long time inspite of giving several adjournments to file claim statement and documents. In view of the circumstances a 'Nil' Award is passed. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 22nd day of September, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4357.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ सेंट्रल रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. 103/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-41014/6/2006-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4375.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 103/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 13-10-2006.

[No. L-41014/6/2006-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****PRESENT:**

SHRI T. RAMACHANDRA REDDY, Presiding Officer

Dated 28th day of September, 2006

INDUSTRIAL DISPUTE No. L.C.I.D. 103/2005**BETWEEN:**Sri D. Srinivas,
S/o Late D. Ramaswamy,
R/o Village-Radravally,
PO. Raghavapuram,
Mandal B.B. Nagar,
District Nalgonda.

... Petitioner

AND

I. The Divisional Manager, (Personnel)
South Central Railway,
Hyderabad Division,
Secunderabad.

2. The Chief Personnel Officer (E),
South Central Railway,
Hyderabad Division,
Secunderabad. ... Respondents

APPEARANCES:

For the Petitioner : M/s. V.R. Balachary & P. Prabhakar
Rao, Advocates
For the Respondent : NIL

AWARD

This is a petition filed by Petitioner Sri D. Srinivas under sec. 2A(2) of Industrial Disputes Act, 1947 against the Divisional Manager, South Central Railway and Chief Personnel Officer, South Central Railway, Hyderabad Division questioning the removal from services from 6-4-2001 and seeking reinstatement into service with continuity of service and will all attendant benefits including full back wages.

2. This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. The Petitioner submitted that he was appointed by the 2nd Respondent as substitute Bungalow Peon on regular pay scale w.e.f. 2-8-98 vide office order No. P/E/677/E, Peon/10 dated 3-8-98 which comes under the category of class IV employees and directed the petitioner to work under Mr. G. Mallikarjun vide proceedings No. CE/C.II/SC dated 3-8-98. The Petitioner accordingly worked for a period of 2 years 8 months with unblemished record continuously without any break. He further submitted that he was appointed after conducting regular medical examination in the pay scale of Rs. 2550-3220 which is to be given to the regular employees. On transfer of the said Mallikarjun, Superintendent Engineer in the month of April, 2001, the petitioner ought to have been continued in the same post under the new successor or could have transferred to any other Department, but the petitioner was orally terminated. It is further submitted that the retrenchment of the Petitioner's service is in violation of Sec. 25F of Industrial Disputes Act, 1947 and further no chargesheet was issued and no domestic enquiry was ordered and further the petitioner was not given any compensation in lieu of retrenchment. It is further submitted that the Petitioner was given the benefits of family railway passes, medical attendance on par with permanent employees. The retrenchment of the Petitioner amounts to victimization under unfair labour practice and against to the principles of natural justice. It is further submitted that the Petitioner belongs to BC community (Chakali) and rendered services continuously to the satisfaction of the superiors.

4. The respondents were issued notices. In spite of service of the notices against both the Respondents, they

were absent. As such they were set *ex parte* on 10-2-2006. The Petitioner filed his affidavit in support of his petition reiterating the pleas taken in his petition and he filed documents Ex. W1 to W17. Ex. W1 is the copy of the appointment order dated 3-8-98. Ex. W2 is the letter regarding the medical examination of the Petitioner. Ex. W3 is the transfer certificate regarding the educational qualification of the petitioner. Ex. W4 is the copy of the medical identity card. Ex. W5 indicates card of railway medical attendance. Ex. W6 is the copy of railway pass. Ex. W7 and W8 are the copies of railway paid bus pass. Ex. W9 to W17 are pay slips issued by Respondent office.

5. Heard the Petitioner. The Petitioner has affirmed in his affidavit that he was appointed as a peon in the class IV service and worked under Mr. Mallikarjun, Superintendent Engineer for 2 years 8 months continuously. After transfer of the said Mr. Mallikarjun he was removed orally from service without retaining or accommodating him in any other Department.

6. The appointment letter shows that he was appointed on a regular basis as a substitute Bungalow Peon after finding medically fit and attached to Mr. G.P. Mallikarjun in the pay scale of Rs. 2550-3220. The terms of the appointment letter shows that after completion of three years he will be deemed to have acquired regular status and assigned seniority position in any vacant Group 'D' post subject to the satisfactory service. It should be noted that the petitioner was orally terminated without assigning any reason even though he was appointed on regular basis, the Petitioner affirmed that no charge sheet was issued or any enquiry was conducted before his termination. The retrenchment of the Petitioner is in violation of Sec. 25F of Industrial Disputes Act, 1947. The Petitioner was neither given any notice nor paid retrenchment compensation. In view of the acts of the Respondent in terminating the services of the Petitioner is bad in law, having worked for 2 years 8 months by the Petitioner continuously without any break.

7. The Petitioner did not adduce any evidence that he has not work anywhere from the date of his termination till the filing of this petition. Therefore, this petition is allowed directing the Respondent to reinstate the Petitioner with continuity of service, with all benefits without back wages within two months from the publication of this award.

Award passed accordingly. Transmit

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 28th day of September, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent
WW1 : Sri D. Srinivas	NIL

Documents marked for the Petitioner

Ex. W1 : Copy of appointment letter of WW1 dt. 3-8-98
Ex. W2 : Copy of pay sheet

- Ex. W3: Copy of transfer certificate reg. educational qualification
 Ex. W4: Copy of family medical identity card
 Ex. W5: Copy of railway medical attendance
 Ex. W6: Copy of railway pass
 Ex. W7: Copy of railway bus pass
 Ex. W8: Copy of railway bus pass
 Ex. W9: Copy of pay slips issued by the Respondent To to WWI
 Ex. W17

Documents marked for the Respondent

NIL

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4358.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय पुणे के पंचाट (संदर्भ संख्या आई. डी. ए. 285/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-17014/1/2006-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4358.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. I. D. A. No. 285/2003) of the Labour Court, Pune now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 13-10-2006.

[No. L-17014/1/2006-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE SHRI G. S. WANKHEDE, PRESIDING OFFICER, III L.C., PUNE****REFERENCE (IDA) NO. 285/2003****LIC of India**

Jeevan Prakash Pune Divisional Office

Shivajinagar, Pune-411 005

and

General Secretary

Pune Division Insurance Workers Organisation

185, Shaniwar Peth, Pune-30

...II Party

AWARD

Date : 21-04-2006

1. This reference is made by Government of India, Bharat Sarkar, Ministry of Labour, Shram Mantralaya under clause (d) of sub-section (1) and sub-section 2-A of Section

10 of the Industrial Disputes Act, 1947 for adjudication of Industrial Dispute between above referred parties over the following demands:

"That Second Party be reinstated on his original post with continuity of service and to pay full back wages during the intervening idle period"

2. Second Party and his representative are absent.

No application on record. Matter is fixed for evidence of the Second Party. Record shows Second Party is continuously absent since 9-5-2005 till today. It shows that he is not interested to proceed with the reference. Thus, reference stands answered in negative for default and for want of prosecution. Matter stands disposed off. No costs.

Place: Pune G. S. WANKHEDE, Presiding Officer
 Date : 21-4-2006

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4359.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ सौराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, नई दिल्ली के पंचाट (संदर्भ संख्या 142/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/133/2003-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4359.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 142/2003) of the Central Government Industrial Tribunal/Labour Court, II New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Saurashtra and their workman, which was received by the Central Government on 13-10-2006.

[No. L-12012/133/2003-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI**

R. N. RAI., Presiding Officer

I. D. No. 142/2003**In the Matter of:-**

Shri Kundan Lal Arya,
 S/o. Shri Gopal Ram Arya,
 R/o. 1/354, Dakshin Puri,
 New Delhi

VERSUS

1. The General Manager,
State Bank of Saurashtra,
Neelam Bagh Chowk,
Bhav Nagar-364001.
2. The Manager,
State Bank of Saurashtra,
Branch Office,
Lodhi Road, New Delhi.

AWARD

The Ministry of Labour, by its letter No. L-12012/133/2003-IR (B-I) Central Government Dt. 30-09-2003 has referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of the Management in terminating the services of Shri Kundan Lal Arya w.e.f. 2-8-2002 is just, fair and legal? If not, what relief the workman is entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman Kundan Lal Arya was appointed as full time casual worker peon by the State Bank of Saurashtra, Management in the month of June, 1994 on daily wages at branch office, Lodhi Road, New Delhi. The management paid salary through vouchers. The photocopies of some vouchers are annexed herewith for kind perusal of this Hon'ble Court.

That the workman has been discharging his duties with honesty and integrity and resultantly the management was pleased to increase the monthly payment for time to time.

That the workman worked with the management since June, 1994 till July, 2002 i.e. about 8 years on 8-7-02 when the management illegally terminated the services of workman after receiving notice dated 5-7-2002. Even after termination of services of workman on 8-7-2002 he was continuously approaching the management upto 2-8-2002 and again sent legal notice dated 2.8.02 to the management for their illegal act without assigning any reasons to stop the workman in the bank.

When the management released circular dated 8-6-1998 there were some posts vacant for permanent peon in the bank, at that time, workman was continuously working as a temporary casual worker since June, 1994 and he completed 36 months in the month of June, 1997 as the requirement of the management, the workman has fulfilled all the criteria given in above said circular by the management. Even the Union Secretary Shri Atul Sharma wrote a letter dated 23-4-1997 to the Union President, Bank of Saurashtra, referring the name of the workman regarding his best work since June, 1994 continuously this branch/management and also recommended his name as suitable candidate who is temporarily working with the bank since June, 1994 with the management.

As the management found the service of the workman satisfactory and he started receiving increments/salary in his own name, some times management paid salary to workman on different names on different dates. The photocopy of register attendance sheet/payment receiving register of various dates are enclosed herewith.

That the workman had unblemished and uninterrupted records of service to his credit. The management was pleased to allow the service of the workman last 8 years without any break but suddenly on 8-7-2002 after receiving the notice for grant of permanent status in the bank, the management had stopped and denied the entry in the bank and was not permitted to join the service for the reasons best known to the office incharge of the entry gate of management. The workman was not permitted to enter into the bank and join his duties. No reason whatsoever was given for denying him access to his place of work. The workman convinced the management and approached up to 2-8-2002 to allow him and join his duty again but the management adamant and illegally did not permit him to enter the bank.

That the action of the management in terminating the services of the workman aforesaid is wholly, illegal, unjust and malafide for the following amongst other reasons.

The services of the workman have been terminated not in good faith but in colourable exercise of employer/management.

The services of the workman were terminated without adhering to the principle of natural justice i.e. audi altrem partem i.e. no one should be condemned unheard. It is pertinent to mention here that no notice has been served to the workman regarding termination of services.

No service compensation was either offered or paid to the workman.

Even otherwise the impugned termination of service is violation of Section 25 F and H of the Industrial Disputes Act read with Rules 76, 77 and 78 of Industrial Disputes (Central Rules, 1957).

The act of the termination is violative of Article-14, 16, 21 and 39(d) of the Constitution of India.

The act of the termination amounts to sheer exploitation of labour.

The workman is unemployed since 8th July, 2002 despite his best efforts to get alternative employment.

The workman was running from pillar to post so that the management could take him in service upto 2-8-2002 as the notice dated 2-8-2002 to the management through counsel requesting them to grant permanent status to workman in the bank and said notice was duly received by the bank/management. After receiving said notice the management with malafide intention, in utter violation of labour law illegally did not allow the entry of the workman in the

bank and informed him that his service was terminated on 8-7-2002. The copy of the legal notice dated 2-8-2002 with registry receipt and acknowledgement is enclosed herewith.

That the workman ultimately filed statement of claim before Shri A.K. Tehran, Conciliation Officer, Assistant Labour Commissioner (Central) Ministry of Labour, Govt. of India, New Delhi for conciliation of claim against the management where the management failed to settle the matter with the workman. The failure report submitted by Shri A.K. Tehran, Assistant Labour Commissioner (Central) Ministry of Labour, Govt. of India, New Delhi for referring the dispute for adjudication in the month of March, 2003. However, when the workman has not received any information regarding reference of his matter in the court, he wrote a letter dated 9-10-2003 to the Secretary, Ministry of Labour, New Delhi to immediately refer his case to the Hon'ble Court for proper adjudication but after waiting a long period the workman has received reference notice from the Hon'ble Court and this Hon'ble Court has framed issue as under :

“Whether the action of the management in terminating the services of the K. L. Arya w.e.f. 2-8-2002 is just, fair and legal? If not, what relief the workman is entitled to?”

The copy of letter dated 9-10-2003 is enclosed herewith along with registry receipt and acknowledgement.

The management/respondent has filed written statement. In the written statement it has been stated that the contents of Para 1 of the claim are wrong and denied. The claimant was never appointed as full time casual worker peon in June, 1994. The claimant was engaged as casual for doing odd jobs of shifting of records, furniture etc. and he was paid for the day he was engaged as daily casual employee. In the Bank there exists recruitment rules for appointment of permanent employees. The claimant never underwent the procedure of recruitment rules. Therefore the allegation that he was appointed as a full time casual worker peon are wrong and denied. Permanent employees for subordinate cadre are always taken in accordance with the recruitment rules subject to availability of vacancies, reservation policy of the Government etc. The claimant was engaged to do casual nature of job and he was paid as agreed for such a casual engagement as and when there was a requirement. He was paid on daily wages basis.

That the contents of Para 2 of the claim are wrong and denied. The question of honesty/integrity of the claimant would not arise at all as he was a casual worker for doing the casual nature of work arising on contingencies.

That the contents of Para 3 of the claim are wrong and denied. It is specifically denied that the claimant has worked from June, 1994 to July, 2002 for eight years and was terminated on 8-7-2002. It is wrong and denied that after receiving the notice dated 5-7-2002 the services of the claimant were terminated. The claimant was engaged as

casual worker for doing casual nature of jobs and was paid for the days he worked. Hence the question of termination of service on 8-7-2002 would not arise at all. It is wrong and denied that the claimant was continuously requesting the bank management for service from 8-7-2002 to 2-8-2002.

The bank did receive the notice dated 2.8.2002 and since allegations contained therein were baseless the same was not replied. It is correct that the management bank issued circular dated 8-6-1998 regarding absorption of temporary employees as permanent staff as indicated therein. The applications were invited in a prescribed form. The circular was issued with the sole object of resolving the problem of temporary employees. Since the claimant was casual worker, he cannot take advantage of the circular as it pertains to temporary employees. It is wrong and denied that the claimant fulfilled criteria laid down in the aforesaid circular. In fact the circular would not be applicable to the claimant. The bank has no knowledge about the alleged letter dated 23-4-1997 as it was not addressed to the bank. The rest of the allegations are wrong and denied. It is wrong and denied that the claimant submitted the application in the format prescribed in the aforesaid circular. Presuming but not admitting that he submitted the application even then he was not eligible, as the circulars not applicable to him.

That the contents of Para 4 of the claim are wrong and denied that the bank management found the services of the claimant satisfactory. It is wrong and denied that the bank paid increments, salary or paid salary to the claimant on different names on different dates. It appears that the claimant has created documents or attendance sheet/payments receiving register.

That the contents of Para 5 of the claim are wrong and denied. The question of unblemished uninterrupted service would not arise at all as the claimant was engaged purely on casual basis as and when there was a need for doing casual nature of job. It is wrong and denied that there was any continuous service as alleged. It is wrong and denied that the claimant worked continuously for eight years. It is wrong and denied that the services were terminated on 8-7-2002 as alleged. It is wrong and denied that after receiving the notice dated 5-7-2002 the services of the claimant were terminated. Since the engagement was purely casual in nature depending upon the casual nature of job the question of termination or stopping the claimant would not arise at all. It is also wrong and denied that the claimant was not permitted to enter the premises of the bank. Obviously if there was no casual nature of job, he would not have been engaged. That would not mean that the claimant was terminated or not permitted in the bank for joining duties. The allegation of non-giving of reason is also misconceived in the given facts. It is also wrong that the claimant was also approaching the bank till 2-8-2002 and convincing to allow him to join duty. These

allegations are wholly an afterthought and have been made with an ulterior motive.

That the contents of Para 6 of the claim are wrong and denied. The allegation of termination of service is misconceived in view of the facts given above. The principles of natural justice would not be applicable at all to the situation here. There was no need to issue any notice as the claimant was engaged as a casual. The allegation of non-payment of compensation, violation of section 25 F and H and its rules, violation of articles mentioned etc. are wrong and denied being misconceived. It is wrong and denied that services of the claimant were terminated w.e.f. 08.07.2002 and he is not gainfully employed. It is very strange that a casual worker can remain unemployed or without gainful employment all these years.

That the contents of Para - 7 of the claim are wrong and denied. Since the claimant was a casual worker, the question of termination or taking him back in the service would not arise at all. The question of granting permanent status is misconceived. The claimant was never recruited in accordance with the Recruitment procedures. The claimant cannot be permitted to gain a back door entry in the employment of the bank. It is wrong and denied that after receiving the alleged notice that the bank with mala fide intention not allowed the Claimant to work in the bank on 08.07.2002. The allegations as contained in the notice of 02.08.2002 were baseless and frivolous.

That the contents of Para 8 of the claim are matters of record as it pertains to conciliation. The term of reference is matter of record.

It is prayed to the Hon'ble Tribunal that it may pass award holding that the claimant is not entitled to any relief specifically to the relief of reinstatement in view of the submissions made hereinabove. A casual employee cannot be reinstated at all in law and certainly not entitled to the relief of reinstatement. Therefore, the award be passed holding that the claimant is not entitled to any relief and dismiss the claim accordingly.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the workman should be made permanent in view of Bank's Circular No. 14/98-99 dated 08-06-98. It has been specifically mentioned in the Circular that those who have performed 240 days, 270 days and even 90 days work in any continuous block of 36 months after 01-01-1997 but before 31.07.1997, should be interviewed for absorption of temporary subordinate staff employee as permanent employee.

It was further submitted that the workman was engaged by the bank as daily wage since 1994 and he has worked up to 2002.

My attention was drawn to photocopy letter and it has been mentioned that the workman is entitled to be made permanent in view of circular referred to above. The Chief Manager recommended the name of the workman on 31.08.1998 for interview for absorption of temporary subordinate staff employee as permanent employee still the case of the workman was not considered by the AGM (A-4). The Branch Manager forwarded the application of the workman and specifically mentioned that he has worked for 90 days continuously from 01.01.1997 to 31.07.1997. The recommendation of the Branch Manager also makes it quite obvious that the workman was eligible for interview for making him permanent but the workman was not interviewed.

I have perused the cross examination of the management witness. He knew the Branch Managers all along but he has expressed his inability to confirm the signature of the Chief Manager as well as Branch Manager. The case of the workman was recommended by the Chief Manager as well as Branch Manager. There appears no merit in the statement of the management witness that he cannot confirm and identify the signature of the Branch Manager and Chief Manager on the photocopies of the recommendation letter.

The workman has filed photocopy of attendance register which shows that he has worked continuously from 1995 to 2002. The workman has also filed the photocopies of the vouchers of his Pass Book and it appears that he has a good balance in his Pass Book. The vouchers of the Pass Book are for the years of 1997 and 1998 and even prior to that. These documents clinchingly establish the fact that the workman has worked for more than 240 days in many years in between 1994 to 2002. He has filed vouchers of 1994. Considering all the documents on the records as well as oral evidence of both the parties it is fully established that the workman has worked for 240 days in almost all the years in between 1994 to 2002. He has been found fit for absorption and making permanent by the Chief Manager and the Branch Manager but under suspicious circumstances the AGM (A-4) has not considered his case. He is entitled to be reinstated and made permanent even in view of the Circular adverted to above.

It was submitted from the side of the management that the workman was daily wage and a daily wage has no right to reinstatement or regularization. It was also submitted from the side of the management that he was engaged against leave vacancy. His services were taken whenever there was extra load of work and he was made payment for the same.

It becomes quite obvious from B-40 that he was working against a permanent vacancy and the Chief Manager has issued certificate to this effect to the workman. So the

workman was engaged against a permanent vacancy and the work was of continuous nature.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Section 25 F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 25 F are not complied. In the instant case no compensation has been paid to the workman who has continuously worked for 8 years.

It was further submitted that Section 25 T provides that the management should not indulge in unfair labour practice. Section 25 U provides that a person who commits any unfair labour practice will be punishable with imprisonment for a term which may extend to six months or with fine, which may extend to Rs. 1000/- or with both. The intention of the legislature in enacting 25 T & 25 U is obvious. The legislature wanted that in case Casual and Badlis are engaged for a long period, it amounts to unfair labour practice. There is punitive clause for committing unfair labour practice.

It was submitted from the side of the workman that Vth Schedule of the ID Act specifies some practices as unfair labour practice. The Vth Schedule clause 10 provides the criteria for ascertaining unfair labour practice. It is extracted as hereunder :-

"To employ workman as Badlis, Casuals or temporaries and to continue them as such for years with the object of depriving them of the status and privilege of a permanent workman."

Clause 10 of the Vth Schedule stipulates that in case the workmen are employed as Casuals, Badlis or Temporary and they are continued as such for years, it will amount to unfair labour practice. In the instant case the workman has been continued as casual and temporary for 8 years. It establishes to the hilt that the respondent management has committed unfair labour practice. The workman has

been engaged for 8 years as casual and temporary and thereafter he has been removed. He has not been paid retrenchment compensation.

It was submitted that Section 25 F, G, T, U and Clause 10 of the Vth Schedule of the ID Act have been deliberately violated.

The Constitution Bench Judgment and the other judgment referred to above of the Hon'ble Supreme Court are not applicable in view of Section 25 F, T, U & Vth Schedule. In the Constitution Bench Judgment these matters were not at issue. In case a workman has worked for 8 years and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid Section 25 F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25 F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed unnecessarily so Section 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workman should not be engaged for years and then he should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularisation and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provision of ID Act unconstitutional. The Government has got no license to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointment and temporary appointments can not be rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the government is

at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such a discrimination will amount to vicious discrimination. The Government of Public Sector unit will go on resorting to the method pick and choose policy and give temporary and adhoc appointments to their favourites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provision of the ID Act governing the services of the workman have not been declared un-constitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

Section 11 A of the ID Act stipulates that in case the Tribunal is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the case may require. According to this benign provision the labour court has the authority to set aside the order of discharge or dismissal and reinstate the workman on the terms and conditions as it thinks fit.

The Hon'ble Apex Court in 2006 (4) Scale has not annulled Section 11 A of the ID Act and the legislature has authorised this Tribunal to set aside dismissal or discharge on its consideration and direct reinstatement. The judgment cited by the management is not applicable in the facts and circumstances of the case.

It was further submitted that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the labour court to decide the quantum of back wages. In the instant case the matter involved was a case of theft of large quantity of Aluminium Wire. Departmental inquiry was not conducted in accordance with the principles of natural justice so dismissal was found bad. In such circumstance the Hon'ble Apex Court held that the order for payment of full back wages was not justified if termination is set aside. In PGI Vs. Raj Kumar (2001) 2 SCC 54 the Hon'ble Apex Court upheld the 60% award of back wages of the Tribunal.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 2004 VIII AD SC 444 the Hon'ble Apex Court upheld the order of reinstatement with 25% back wages.

In 1978 Lab IC 1968 — three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstance the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In AIR 2002 SC 1313 the Hon'ble Apex Court reduced the back wages to 25%.

In 2005 IV AD SC 39—three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

A three Judges bench of the Hon'ble Apex Court has held in 1993 -II- LLJ that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

It was further submitted by the management that the workman has been given fixed term appointment. It has been held in 2006 LLR 68 that termination in terms of appointment letter is justified. The Hon'ble Apex Court has held that the workman has not proved that the work is of continuing nature and it is still existing. So termination after the period of fixed term engagement has been held valid. In the instant case the work is still continuing. This case law is not applicable in the facts and circumstances of the present case.

My attention was drawn to 2006 LLR 68. The Hon'ble Apex Court has held that engagement and extension of services of the workman was for a specific period and hence termination is not illegal and the termination is in accordance to the provisions of 2(00)(bb). In this case also the Hon'ble Apex Court found that it is not proved that the work is of existing nature.

In (1997) 11 SCC 521 the Hon'ble Apex Court found the termination valid as the appointment was for specified period of two months.

Reinstatement should not be misconceived as regularisation. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal disen-

gagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

In such cases the workman is reinstated with back wages and the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that Section 25 (G) & H of the ID Act are not violated.

It was submitted from the side of the management that reinstatement is not the only remedy. In such cases the workman may be given compensation. Section 11 A of the ID Act, 1947 provides that in case of dismissal or discharge is found illegal reinstatement should be ordered. It has been held in a catena of cases by the Hon'ble Apex Court that reinstatement with full back wages is the normal rule. The statute provides for reinstatement. In certain exceptional cases where the undertaking has been closed down or it has become sick there may be order for payment of compensation.

In the instant case the workman worked from 1994 to 2002. He was eligible for permanent appointment in 1998 in view of the circular adverted to above but he was not selected. It is proved that he has worked up to 2002 so the workman has performed 240 days in most of the years in between 1994 to 2002. In such cases reinstatement is the only effective remedy. He has been contesting all along in view of the express provision of Section 11 A of the ID Act, 1947. The bank is not incurring economic loss. Gross injustice was done to this workman when he was not given permanent appointment and some other's case was considered by the then AGM.

He is a manual worker. He cannot remain idle. He must be moving for earning his livelihood and he must be doing some sort of work off and on for his subsistence. He has not disclosed the source of his income so he must be doing off and on work and in view of the law referred to above he is entitled to reinstatement with 50% back wages.

The reference is replied thus :—

The action of the management in terminating the services of Shri Kundan Lal Arya w.e.f. 2-8-2002 is neither just nor fair and nor legal. The workman applicant is entitled to be reinstated with 50% back wages. The management should reinstate the workman within two months from the publication of the award and pay him the arrears of back wages.

Award is given accordingly.

Dated 11.10.2006.

R. N. RAI, Presiding Officer

नई दिल्ली 16 अक्टूबर, 2006

का.आ 4360.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तरी रेलवे के प्रबंधन के संवर्द्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-11,

नई दिल्ली के पंचाट (संदर्भ संख्या 105/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-41012/21/2002-आई आर (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4360.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 105/2003) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 13-10-2006.

[No. L-41012/21/2002-IR (B.-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, NEW DELHI

PRESIDING OFFICER : R. N. RAI. I.D. No. 105/2003

IN THE MATTER OF:

Shri Ramanand,
Delivery Man, Delhi Shahdara City Booking Agency,
H. No. 2/28, Ram Mohalla,
Village Johripur, Delhi - 94.
Represented by General Mazdoor Lal Jhanda Union,
B-1/A, Nathu Colony (East),
100 Ft. Road, Shahdara, Delhi - 93.

Versus

1. The Management of Northern Railway, Delhi in relation to the employment of workman in Delhi, Shahdara City Booking Agency, Northern Railway, 329/2, S. S. Block, Gali No. 15, Bhola Nath Nagar, Shahdara, Delhi - 110032.
2. The Additional Railway Manager, Northern Railway Division, Chelmsford Road, New Delhi.

AWARD

The Ministry of Labour by its letter No. L-41012/21/2002-IR(B-I) Central Government dt. 18-7-2003 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of M/s. Delhi Shahdara City Booking Agency functioning under the Northern Railway, Delhi in terminating the services of Shri Ramanand w.e.f 29-4-2001 and not paying his salary is justified? If not, what relief the application concerned is entitled and from which date?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman has been employed by the management of Northern Railway as a Delivery Man at Delhi Shahadra City Booking Agency, Northern Railway since the year 1998 at a fixed salary of Rs.2200 per month.

That the workman was made to work in the City Booking Agency for more than 8 hours a day and was neither paid Over Time Allowance for working more than presented hours and nor was paid any compensatory off in exchange of extra burden of work imposed upon him.

That the workman was employed by the management for more than 300 days each year and proof of his employment is evidenced by number of letters issued by the Delhi Shahadra City Booking Agency to the management of Northern Railway.

That the management suddenly stopped payment of salary to the workman w.e.f December, 2000 and did not release the same despite many requests made to this effect by the workman.

That the management illegally refused work to the workmen w.e.f. 27-4-2001 orally. The workman continued to report for duty but the management persistently refused to allot work to the workman.

Having been aggrieved by the illegal act of the management the workman through the Trade Union of which he is a member, raise Industrial Dispute in the matter after giving a demand notice.

That subsequent to failure of conciliation proceedings, the Central Government has been pleased to refer the dispute for adjudication to this Hon'ble Tribunal to determine the following terms of reference:—

“Whether the action of the M/s. Delhi Shahadra City Booking Agency functioning under the Northern Railway Delhi in terminating the services of Shri Ramanand w.e.f. 27-4-2001 and not paying his salary is justified. If not what relief the applicant concerned is entitled and from which date?”

The workman respectfully submits, that there has been no complaint against the workman in relation to performance of his duty and the management neither issued any charge-sheet to him nor held any enquiry to show cause that there was any deficiency in the performance of his duties by the workman.

That the record of service of the workman has been quite satisfactory and the workman served the management for 14 long years with full devotion to his work in the entire satisfaction of his superiors.

The workman respectfully submits that his services have been terminated illegally and as such he is instilled to be reinstated in service with full back wages.

The workman respectfully states that the management has not followed any procedure for his

retrenchment as has been prescribed in the Industrial Disputes Act, 1947.

In view of the submissions made above, the workman prays that the reference be decided in his favour and this Hon'ble Tribunal may be further pleased to direct the management to reinstate the workman in service with full back wages and all consequential benefits. The workman further prays that the management be directed to release his due salary w.e.f. December, 2000 with interest.

The Management has filed written statement. It has been stated that the contents of para 1 of the claim are wrong and denied. The claimant was never employed as Delivery Man in the management since 1988 as alleged. The claimant was engaged as casual worker during 1998—2001 by the answering Management and used to do casual nature of jobs; and not by the Northern Railway. The answering Management is a contractor for handling parcels for Railway at Shahadra. He was paid for the days he worked on casual basis.

That the contents of para 2 of the claim are wrong and denied. It is denied that claimant was made to work more than 8 hours a day. As stated in para 1, the claimant was engaged on casual basis as and when there were casual work. The rest of the allegations in this para are wrong and denied. Hence the question of paying any compensatory off would not arise at all.

That the contents of para 3 are wrong and denied. It is denied that the claimant was employed for more than 300 days each year. It is only during 1998-2001 he was engaged for casual work as per requirement and paid for the same at the end of the month. The rest of the allegations are denied being wrong. The documents filed by the claimant are fabricated except the copy of the letter dated 13-1-2001.

That the contents of para 4 are wrong are denied. The Claimant himself stopped coming from 1-4-2001 even for casual work whenever there was a need. He was paid for the casual work done till 1-4-2001. Hence the question of stopping payment would not arise at all. The allegation that the management stopped paying from December 2000 or the claimant made any demand for the same is false and an after thought. Hence the question of making request for payment would also not arise at all.

That the contents of para 5 of the Claim are wrong and denied. The claimant himself did not come even for casual work from 1-4-2001 for the reasons best known only to him. It is clear now that to involve the management in an unwarranted and frivolous litigation with a mind to extract money only the present industrial dispute has been raised by him. The management during conciliation proceedings also informed that the claimant was a casual worker and engaged whenever there was need for casual work. He himself stopped from coming for casual work. The conciliation officer was also informed that whenever there was any casual work it would be given to him. But the

claimant was adamant that he wanted only lump sum money and nothing else. It is understood that the claimant is rearing milk cows and selling milk and milk products and earn lot of money and in addition he used to do casual work and ultimately he stopped coming for casual work except for demanding money. The reasons we understand is that his dairy business has picked up. It is wrong and denied that there was any termination of service on 27-4-2001. It is also wrong and denied that he continued to report for duty as alleged. The question for refusing to allot work would not arise at all, as he himself stopped coming from 1-4-2001.

That the contents of para 6 of the claim are wrong and denied. No notice was ever received by the management. It is correct that Industrial Dispute was raised before ALC which is a matter of records.

That the contents of para 7 of the Claim are matters of record and need no reply being reproduction of Reference.

That the contents of para 8 of claim as stated are wrong and denied. He was a casual worker only. As such the question of issuance of charge sheet, satisfactory performance, etc. would not arise at all. The rest of the allegations are denied.

That the contents of para 9 are wrong and denied. It is denied that the Claimant worked for 14 years as alleged. The Claimant worked on casual basis as per requirement and paid wages for the same, as stated above. The rest of the allegations are denied.

The contents of para 10 of the Claim are wrong and denied. The Claimant himself stopped coming to casual work. It appears that his interest was elsewhere, as stated above. The management has come to know that he is running a dairy farm and as such he is not interested even in casual work. Hence the question of termination of services would not at all. He is not entitled to any relief much less the relief of reinstatement with full back wages in the given facts.

The contents of para 11 of the Claim are wrong and denied. There is no question of termination as alleged. The claimant was aware of his casual nature of job. Therefore the allegations, as alleged, in this para are wrong and denied. The provisions of retrenchment would not be attracted at all in the given facts. The Claimant is not entitled to any relief as prayed in the claim.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the claimant Shri Ramanand has been employed by the management since 1988 at a fixed salary of Rs. 2200 per month and was employed continuously since till then the management refused work to the claimant w.e.f. 27-4-2001. The claimant continued to report to duty but the management persistently refused to allow work to the claimant.

It was further submitted from the side of the claimant that the management never appeared before the conciliation authority but sent their lawyer to appear for them. This unit is functioning since 1985 but they do not maintain any attendance register for casual workers. It has been admitted by the management that they employ about 6 casual employees to handle about 8 to 10 tones of goods daily for booking in Railway Parcel Office but do not maintain any attendance register for the casual employees since the inception of the Company. The muster roll register has not been filed by the Company.

It was further submitted that no FIR has been lodged for the theft of papers by the Company. The allegation regarding theft of paper by the employee of the agency is false. The workman has worked continuously and he has worked for more than 300 days every year. His services were terminated in 2001. He deserves reinstatement.

It appears from perusal of the claim statement that Respondent No. 1 is the management of Northern Railway in relation to the employment of workman in Delhi Shahadra City Booking Agency.

It has been specifically mentioned in Para-I of the written statement that the answering management is a contractor for handling parcels for Railways at Shahadra. It has been also mentioned in this para that the claimant was engaged as casual worker during the year 1998—2001 by the answering management and used to do casual nature of jobs and he was not employed by Northern Railway.

It becomes quite explicit from the contents of Para - I that the answering management is a contractor for handling parcels for Railways at Shahadra. It is not the department of Railway.

It has been specifically mentioned in Para-I of the written statement that the workman was engaged by the answering management i.e. the contractor and not by the Northern Railway. So the claimant was not employed by the Northern Railway. He was not even paid by the Northern Railway.

It is not the case of the claimant that he was a contractor's man but he worked under the specific control and supervision of the management. Payment was made to him by the management and he was engaged by the contractor for the duties of the management.

It transpires from perusal of the claim statement and the documents filed on the record that the workman was

engaged by Manoj Kumar Varshney, Agent, Northern Railway, Delhi Shahadra City Booking Agency. The claimant worked in the agency of Shri Manoj Kumar Varshney. He is an agent of Northern Railway for handling parcels of Shahadra City Station. So there is no proof that the workman was engaged by the Northern Railway.

It becomes quite obvious from the reference that the action of M/s. Delhi Shahadra City Booking Agency functioning under the Northern Railway, Delhi in terminating the services of Shri Ramanand w.e.f. 29-04-2001 has been challenged. So the workman was engaged by M/s. Delhi Shahadra City Booking Agency. This agency is a Private Agency.

The Railway government is the appropriate government for its own employees and not for the employees of the contractor. The State Labour Court has the jurisdiction over the employees of Private Companies. So this Tribunal lacks jurisdiction to decide such reference.

It becomes quite obvious from Annexure A-1, A-2 and A-3 that the workman was engaged in the agency of Shri Manoj Kumar Varshney who was agent for handling parcels of Shahadra City Station. Annexure A-1 to A-3 are the photocopies. The management has challenged the validity of these papers. It is of course true that there is Delhi Shahadra City Booking Agency but the workman is not a casual worker of this agency but he is a casual worker of the agent Shri Manoj Kumar Varshney. Annexure A-1 to A-3 cannot be relied upon as the originals of these papers have not been summoned. The workman Shri Ramanand appears to be a Marker by A-1 to A-3 but he has been issued Identity Card of Despatch Clerk. He cannot be said to be a casual worker as he has submitted Identity Card from 16-05-1998 to 08-07-2000. Sometimes as dispatch Clerk and sometimes as Delivery Clerk. This Card have been issued by Shri Mohit Kumar and there is no affidavit to the effect that Shri Mohit Kumar is an employee of the Northern Railway City Booking Agency. Shri Mohit Kumar is Manager of the agent Shri Manoj Kumar Varshney. The Identity Cards have not been issued by the Railway Department so the workmen cannot be said to be an employee of the Railway Department. The management has admitted that 6 casual workers are required for handling 8 to 10 tones of parcels. The claimant is a casual worker whereas he has filed Identity Card of Despatch Clerk and Delivery Clerk.

The case of the workman is that he was employed as Delivery Man. He has not even filed any Identity Card of Delivery Man. He has filed Identity Card of Despatch Clerk and Delivery Clerk. He has not filed any Identity Card of Delivery Man. He appears as Marker in the papers of the Private Agent Shri Manoj Kumar Varshney. He has not been issued any Identity Card of Marker. A Marker is one who makes marking on the parcels. The agent loads the parcels after there being marked. So it is not clear whether the workman is a Marker or a casual labourer or a dispatch

Clerk or a Delivery Clerk. He cannot be all at one and the same time. The workman has not filed any document to show that he has worked from 1988 even with the agent. He has submitted Identity Card from 1998 to 2001.

It was the duty of the workman to establish with cogent documentary evidence that he has worked for 240 days in any of the years of his employment. He has not filed any paper to prove that he has worked continuously. It has been stated by MWI that he was a casual worker and started coming since 1998. He stopped coming himself. No suggestion has been given to this witness that the workman worked for 240 days.

It has been held by the Hon'ble Apex Court in a number of cases that 240 working days cannot be ascertained on the basis of mere affidavit but there must be some documentary evidence. The workman has not filed any paper regarding his working of 240 days even with the agent. His Identity Cards are against his claim statement. In his claim statement he has specifically mentioned that he was employed as Delivery Man but his Identity Card shows that he was Despatch Clerk and Delivery Clerk.

My attention was drawn to AIR 1986 SC. It has been held in this case that in case documents demanded are not produced and unnecessary inference can be drawn regarding the case of the claimant. In the instant case a private contract agent has employed a few workmen. It is not his duty to maintain muster roll and it has been stated that the documents have been stolen. The contract agency is neither an undertaking nor an establishment.

It has been held in 2005 (II) LLJ 258 SC that continuous employment of 240 days should be proved by the workman.

The case of the claimant is that he has worked regularly from 1988 to 2001 but he has not filed any document to prove that he has worked for these years. He has filed Identity Cards from 1998 to 2001 but the Identity Cards are no proof that he worked regularly. The Identity Cards have been issued for the purposes of his entry at the platforms. No presumption can be drawn from these Identity Cards that he worked everyday. He has not filed any document regarding payments. The I. Card only proves that it was issued to him for his entry to the Railway Platform. No inference can be drawn that he worked daily. He was assigned the work of loading and unloading and the work of loading and unloading cannot be said to be continuous work. It depends on the parcels received. It has been held in a number of cases that loading and unloading work cannot be said to be a work of continuous nature. It is a contingent work depending upon the increase or decrease of the parcels. The workman has not put forth his case clearly. He has not established that he has worked continuously for 240 days in any of the years of his employment from 1998 to 2001. He has not filed any document to prove that he has been working since 1988. He has failed to prove the averments of his claim statement.

I have perused the I. Cards filed by the claimant dated 16-05-1998, 24-04-1999 & 08-10-2000. These Identity Cards purport to contain seal of Railway but it has been issued by Shri Mohit Kumar, Private Contractor. So these Identity Cards are forged. The Railway Identity Cards can be issued by any authority of the Railways and not by a contractor. These Identity Cards have been forged to prove that the workman has worked from 1998 to 2001. One Identity Card is valid for the period of 16-05-1998 to 15-05-1999. The other Identity Card has been issued on 24-04-1999 prior to the expiry of the 1st Identity Card. The 2nd Identity Card was issued on 24-04-1999 and it was valid up to 23-04-2002. So there is no question of issuing another Identity Card for the period 08-01-2000 to 07-07-2001. The 2nd Identity Card was valid up to 23-04-2002 so there is no question of issuance of 3rd Identity Card. From close examination of the Identity Cards it transpires that these Identity Cards have been forged.

It transpires from perusal of the reference that M/s. Delhi Shahadra City Booking Agency has terminated the services of the workman. M/s. Delhi Shahadra City Booking Agency has not been made a party in the claim. The workman has made party the management of Northern Railway and Additional Railway Manager to his claim. It is quite obvious that he has not been engaged by Respondent No. 1. He has not shown anywhere that he worked with the management of Northern Railway. M/s. Delhi Shahadra City Booking Agency is a private agency of which Shri Manoj Kumar Varshney is the Proprietor of his contracting agency. This contracting agency employs a few casual labours for the contract of handling of the parcels. This contracting agency cannot be said to be an Industry or an establishment. It is not an undertaking. So Industrial Labour Laws, are not applicable in the instant case. The contracting agency cannot be said to be an Industrial unit or an establishment or an undertaking. In the circumstances this agency is not under any obligation to maintain attendance register. It engages casual labours as and when needed. It is absolutely a private organization having strength of less than 10 workmen. So Section 25 F of the ID Act, 1947 is not attracted in such cases.

The law cited by the workman applicant is not applicable in the facts and circumstances of the present case. The workman applicant is not entitled to get any relief.

The reference is replied thus:

The action of M/s. Delhi Shahadra City Booking Agency functioning under the Northern Railway, Delhi in terminating the services of Shri Ramanand w.e.f 29-4-2001 and not paying his salary is justified. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 12-10-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2006

का.आ 4361.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, नई दिल्ली के पंचाट (संदर्भ संख्या 35/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-12011/31/98-आई आर (बी. I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4361.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 35/99) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Standard Chartered Bank, and their workman, which was received by the Central Government on 13-10-2006.

[No. L-12011/31/98-IR (B. I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI I.D. No. 35/1999

IN THE MATTER OF:—

Shri Sunder Singh Rawat & 7 others,
C/o New Delhi General Mazdoor Union,
B-89, Gulmohar Park,
New Delhi -110049.

VERSUS

The Manager(HRD),
Standard Chartered Bank,
17, Parliament Street,
New Delhi -110001.

AWARD

The Ministry of Labour by its letter No. L-12011/31/98/IR(B-1) Central Government Dtd. 13-1-1999 has referred the following point for adjudication.

The point runs as hereunder:—

"Whether the termination of services of eight workmen namely Sh. Sunder Singh Rawat, Sh. Mukti Ram Sharma, Sh. Diwan Singh, Sh. Bhuwan Chand Belval, Sh. Rakesh Kumar, Sh. Kailash Chand, Sh. Narender Kumar and Sh. Mukesh Kumar w.e.f 11-9-97 by the Standard Chartered Bank,

17-Parliament Street, New Delhi-1 is legal and justified. If not what relief the concerned workmen are entitled to and from what date?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the undersigned workmen have been employed by the Standard Chartered Bank (hereafter referred to as the management) the details of their employment is given as under :—

1. Sunder Singh Rawat	April 1980	1800/-
2. Mukti Ram Sharma	Aug. 1986	1800/-
3. Diwan Singh	Nov. 1989	1500/-
4. Bhuvan Chand Belwal	May 1990	1300/-
5. Rakesh Kumar	Oct. 1992	1000/-
6. Narender Kumar	Jan. 1990	1200/-
7. Kailash Chand	July 1991	1200/-
8. Mukesh Kumar	Feb. 1994	800/-

That although these workers have been employed in the canteen of the management but their duties included doing despatch work, taking the Dak to other offices, chasing for the bills of the banks from Hotels etc. and doing miscellaneous office of the bank. These workers were also paid T.A. Bill, Medical Claims by the bank.

That the management has been taking several of the employees of the canteen cadre on its subordinate cadre in the bank earlier as M/s. Girish, Samuel, Hoshiyar Singh Bhadnari, Ganga Ram, Rajinder Kumar, Nohan Padalis etc. were earlier employed in the canteen but were shifted to other branches of the bank.

That the management has been employing these workers since last several years without paying them their statutory dues like Minimum Wages, ESI Facilities, P.F. facilities etc.

That when these workers joined the New Delhi General Mazdoor Union and asserted their legal and statutory rights the officials of the management got annoyed and were making time to victimize them and finally terminated their services illegally in malafidely and vindictively w.e.f 11-09-1997, no terminal benefits like retrenchment compensation was given, no enquiry was held.

That the act of the management constitutes victimization of the workers in flagrant violation of the labour laws.

That the workers through their union served a demand notice dt. 10-10-1997, despite the receipt of the notice the management has not conceded to the demands of the workmen.

That workmen are unemployed since the date of their termination and despite their best efforts they have not able to get a job.

It is, therefore, prayed that an award be passed against the management directing it to reinstate the abovesaid workmen with their backwages and all benefits.

The Management has filed written statement. In the written statement it has been stated that there was no relationship of master and servant or that of an employer and an employee between the management of M/s Standard Chartered Bank (hereinafter referred to as the Bank) and M/s Sunder Singh, Mukti Ram Sharma, Diwan Singh, Bhuvan Chand Belwal, Rakesh Kumar, Kailash Chand, Narinder Kumar and Mukesh Kumar hereinafter referred to as the claimants). It is submitted that the claimants were never employed by the bank and they were in fact in the employment of the Chartered Bank Staff Canteen Committee. The claimants are not workman as defined in Section (s) of the Industrial Disputes Act, 1947. The order of reference is, therefore, incompetent and bad in law.

That the Bank in the written comments dated 20-2-98 and 4-5-98 filed before the Asstt. Labour Commissioner (Central) had pointed out that as the claimants were never in its employment, the question of termination of their services by the Bank and/or such termination being illegal and unjustified could not and did not arise. Notwithstanding this the Govt. has referred a dispute regarding termination of the services of the claimants on September 11, 1997 by the Bank. The order of reference is mechanical and bad in law on this ground also.

That the present dispute has been raised at the instance of New Delhi General Mazdoor Union. This union has to *locus standi* or representative character qua the workmen of the Bank and is not competent to raise the alleged dispute. The dispute raised has even otherwise not been espoused to take the character of an industrial dispute. The order of reference is bad in law on this ground as well.

That the alleged dispute has in the instant case not been referred by the Central Government as defined in Section 2(a) (i) of the Industrial Disputes Act, 1947. The order of reference is independent and bad in law on this ground also.

That the dispute regarding alleged termination of the services of the claimants has been referred for adjudication at the instance of the claimants. The claimants had alleged that the termination of their services with effect from September 11, 1997 is illegal and unjustified. It is thus obligatory and incumbent upon the claimants to prove as to how the termination of their services is illegal and unjustified. The Government, however, whilst referring the above dispute for adjudication has wrongly placed the burden on the Bank to prove that the termination of the services of the claimants is legal and justified. The order of reference is incompetent and bad in law on this ground as well.

Subject to and without prejudice to the foregoing preliminary objections, which are without prejudice to each other, reply on behalf of the Bank to the statement of claim on merits is given hereunder.

The contents raised by the claimants in the para under reply establish that the persons working in the Canteen were not the employees of the Bank. The Bank may have taken some persons employed in the canteen in the employment of the Bank after following the proper procedure regarding recruitment of the employees.

It is wrong to contend that the claimants were in the employment of the Bank for last several years. It is not disputed that the claimants were not getting the benefits of PF or other statutory dues from the Bank obviously because the claimants were not employees of the Bank but were in fact the employees of the Committee.

It may be pertinent to point out that when the services of the claimants had come to an end on account of the closure of the canteen by the Canteen Committee, a contractor was appointed for providing tea/coffee through Vending Machines. The contractor had offered employment to the claimants on the Vending Machines which the claimants declined.

In view of the above submissions and having regard to all the facts and circumstances the dispute raised by the claimants against the bank is totally false, frivolous and baseless. The claimants are not entitled to any relief much less the relief of reinstatement with full back wages and continuity of service or otherwise.

The workmen applicants have filed rejoinder. In their rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that although the workmen have been employed in the canteen of the management but their duties included dispatch work, taking dak to different offices and other miscellaneous work of the bank.

It was further submitted that several employees of the Canteen Cadre on its subordinate cadre in the bank were earlier employed in the bank but were shifted to the other branches of the bank. The workmen have been employed for several years but their services have been terminated arbitrarily and unjustifiably which constitutes victimization of the workers in flagrant violation of the labour laws.

It was submitted from the side of the management that the workmen were employed in the Canteen. There was no relation of master and servant and employer-

employee. The claimants were in the employment of the bank Canteen and not in the bank. The Canteen was run by the Canteen Committee. The Canteen was run in the basement. It was objected to by the NDMC so the Canteen was closed and the services of the workmen came to an end automatically. The workmen have filed photocopies of Identity Cards but the workmen have admitted in their cross-examination that it has been signed by the Canteen Secretary, Shri Pawan Kumar so the Identity Cards have not been issued by the bank. It has been issued by the Canteen Secretary. I have perused every Identity Card. It has been specifically mentioned in the Identity Cards that the designation of issuing authority is Canteen Secretary. So the Identity Cards have been issued by the Canteen Secretary and not by any Officer of the Bank and the Card was issued for the purposes of Canteen by the competent authority the Canteen Secretary. The workmen have admitted in their cross-examination that they are purely engaged for Canteen work. Shri Narendra Kumar has admitted in his cross-examination that there were 8 employees in the canteen and all of them have raised dispute. This witness has also, admitted that the canteen was run in the basement of the premises. The authorities of the NDMC prohibited running of the canteen in the basement. The witnesses have also admitted that when the canteen was closed on 11-9-1997 itself and all the employees working in the canteen were asked to go. This witness has also admitted that 5 employees of the bank were the members of the canteen committee. This witness has further admitted that he has no other document to show any other duty performed by him in the bank except working in the canteen. He has also admitted that his services were terminated on 11-9-1997 on closure of the canteen.

It was submitted that Shri S.S. Rawat has admitted that the Identity Cards Ex. WW2/1 was issued by the bank. There is signature on the Identity Card Ex. WW2/1 of Canteen Secretary. This witness has also admitted that he was performing the job of serving tea and snacks to the employees under the bank premises.

Shri Mukesh Ram Sharma has also admitted in his cross-examination that it is correct that all the 8 persons in respect of whom this case has been filed were working in the canteen.

All the witnesses have categorically admitted that they were working in the canteen and their duty was to serve tea, coffee, snacks etc. They have not filed any document to show that they performed any other miscellaneous work as alleged in the claim statement.

From perusal of the documentary as well as oral evidence it becomes quite obvious that all the workmen served in the canteen. The canteen was run by the Canteen Committee and not by the bank. They were the employees of the canteen. They served in the canteen and payment to

them was made by the Secretary of the canteen committee. The Secretary of the canteen committee has issued them Identity Cards so there is no relation of employer and employee between the management and the workmen. So Section 25 F of the OD Act, 1947 is not attracted. The canteen has been closed on the objection of the authorities of the NDMC as it was run in the basement of the premises. The workmen witnesses have admitted that they have been asked not to come on 11-9-1997 at the closure of the canteen. They have failed to establish that they were discharging miscellaneous duties of the bank also.

It was further submitted from the side of the workmen that some of the previous canteen employees have been absorbed by the bank. It was submitted from the side of the management that those candidates were found eligible and they faced interview and were found fit for enrollment in the bank so they were taken as temporary employees.

The substantial question is whether any right has accrued to the workmen against the bank. The workmen performed duty in the canteen and not for the management so no obligation is cast on the management to take them as the employees of the bank.

It has been held in (2005) 5 SCC 51 that in case the canteen is statutory and it is managed by the contractor then the workmen of the said establishment will become the workmen for the purposes of Factories Act. In the instant case the Canteen is not a statutory canteen so no obligation is cast on the bank to absorb the workmen.

It has been held in AIR 2001 SC 1518 that Sastri Award does not cast any obligation on State Bank of India to provide canteen facility by running a canteen. The employees of the canteen run by local implementation committee cannot claim to be absorbed as employees of the bank. The canteens run by local implementation committee are not statutory committee.

In the instant case it has not been pointed out that there was any provision in BPS or statute for running of the canteen. The canteen in the instant case was being run for the benefit of the employees by a canteen committee and the members of the canteen contributed for the maintenance of the canteen. The bank was not legally obliged to run canteen. The bank has no effective control in supervising the work done by the canteen employees. In such cases canteen employees cannot be treated as employees of the bank and they cannot be absorbed as regular employees.

In the instant case the bank is not legally obliged to provide canteen facilities to its employees.

It has been held in 2000 (85) FLR 653 that the employees of the canteen which are run at various branches of bank by local implementation committee would not be the employees of the bank.

To conclude the workmen in the instant case admittedly worked in the canteen, the canteen was run by

the local implementation committee. There is no statutory provision for providing canteen facilities to the employees. It was run by the canteen committee. Payment was made from the funds of the canteen committee contributed by the staff members. So there is no legal obligation on the bank to absorb the workmen. The law cited by the workmen are not applicable in the facts and circumstances of the present case.

It has been held in management of Pury Urban Co-operative Bank and Madusudan Sahu and another reported in 1992 II LLJ at page 6 as under :—

“It stands established that Industrial Law revolves on the axis of master and servant relationship and by a catena of precedents it stands established that the prima facie test of relationship of master and servant is the existence of the right in the master to supervise and control the work done by the servant (the measure of supervision and control apart) not only in the matter of directing what work the servant is to do, but also the manner in which he shall do his work.”

The workmen have failed to prove that they worked under the control and supervision of the management/bank rather they have admitted that their work was supervised by the Secretary of the Canteen Committee.

The reference stands replied thus:

The termination of services of eight workman namely Sh. Sunder Singh Rawat, Sh. Mukti Ram Sharma, Sh. Diwan Singh, Sh. Bhuwan Chand Belval, Sh. Rakesh Kumar, Sh. Kailash Chand, Sh. Narender Kumar and Sh. Mukesh Kumar w.e.f 11-9-97 by the Standard Chartered Bank, 17-Parliament Street, New Delhi-1 is legal and justified. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 10-10-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2006

का.आ 4362.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी ग्रामोद्योग भवन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, नई दिल्ली के पंचाट (संदर्भ संख्या 115/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-2006 को प्राप्त हुआ था।

[सं. एल-42012/25/2003-आई आर (सी. II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4362.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 115/2003) of the Central Government Industrial Tribunal/Labour Court, II, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Khadi Gramodyog Bhawan and their workman, which was received by the Central Government on 16-10-2006.

[No. L-42012/25/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N.RAI.

I.D. No.115/2003

IN THE MATTER OF:—

The General Secretary,
Khadi Gramodyog Bhawan Kamgar Manch,
24, Regal Building C. Circus,
New Delhi -110 001.

VERSUS

The Manager,
Khadi Gramodyog Bhawan,
24, Regal Building C. Circus,
New Delhi -110 001.

AWARD

The Ministry of Labour by its letter No. L-42012/25/2003 IR (CM-II) Central Government Dt. 31-07-2003 has referred the following point for adjudication.

The point runs as hereunder:

"Whether the action of the management of Khadi Gramodyog Bhawan in payment of over time at single rate after Fifth Pay Commission when the same was paid at double rate after Fourth Pay Commission is legal and justified? If not, to what relief the workmen are entitled to and from which date."

The General Secretary of the union on behalf of the workmen has filed claim statement. In the claim statement it has been stated that the management had paid over time wages at twice the rate of normal wages for the past several years i.e. to say right from the formation of Khadi Bhawan. The management has not been paid over time wages at twice the rate of normal wages to the workmen after 13-11-2000. The management vide its office order No. 1879 dated 13-11-2000 has fixed over time wages much less than that what is payable in law. The rates of over time wages fixed by the management in its office order No.1879 of 13-11-2000 are illegal, unreasonable and unjustified. The prescribed/fixed rates of wages by the management are violative of Section 8 of Delhi Shops and Establishment Act, 1954. Section of the Delhi Shops and Establishment Act, 1954 mandates for payment of over time wages at twice the rates of normal wages. Hence the action of the

management in not paying over time at twice the rates of normal wages is therefore illegal being statutory violation.

That the workmen of the management are Trading Cadre. To say that the workmen have been working in sales of Khadi Product at the various selling centers/shops and also in the warehouse where the goods are received and distributed to the shops for sales. The working hours of the workmen is eight hours in a day excluding lunch recess for 30 minutes.

That the Khadi Bhawan is an industry and workmen are hence entitled to over time wages at twice the rate, as per Section 8 of the Delhi Shops and Establishment Act, 1954. The Khadi Bhawan is a "Shop" as well as "Commercial Establishment" as contemplated under the provisions of aforesaid Act, 1954. Goods are sold on retail basis and services are rendered to customers by the management through its Bhavans i.e. Shops or selling centers. The management has been extracting over time work from the workmen daily but not being paid at twice the calculated per hour. The rates fixed in the circular dated 13-11-2000 much less than even the normal wages. For the purpose of OT the component of wages would be basic + DA. Hence the action of the management in not paying the workman/employee of the management at double the rates is illegal, unjustified and unreasonable.

That it is submitted that even after the implementation of IV Pay Commission the workmen were continued to receive OT at double rates. Extension of benefit as per V Pay Commission is no justification or reason to deny OT at double the rates. The statutory right to receive over time at double the rate cannot be denied and deprived off by the management, as done by its office order dated 13-11-2000.

That the workmen are always entitled to better benefits of service conditions. Hence the workmen are entitled OT at double the rates.

That non-payment of OT at double rate is unfair labour practice being exploitation. Non-payment of OT at double the rates inspite of extracting work exceeding normal working hours is exploitation and taking advantage of weak bargaining power of the workmen. The action of the management is arbitrary, illegal, and unfair labour practice.

It is, therefore, prayed to the Hon'ble Tribunal that it may be pleased to pass award holding that the workmen of the Khadi Bhawan are entitled to over time wages at twice the rate of normal wages from November, 2000 onwards with interest at 10% per annum on the amounts payable to the workmen who have performed over time exceeding the normal working time of 8 hours duty.

The management has filed written statement. In the written statement it has been stated that the Khadi and Village Industries Commission (KVIC) is a statutory body created by an Act of the Parliament (No. 61 of 1956) and as amended by Act No.12 of 1987, the Central Govt. hereby makes the rules.

The KVIC is charged with the planning promotion, organization and implementation of programmes for the development of Khadi and Village Industries in the rural areas in co-ordination with other agencies engaged in rural development wherever necessary. Its functions also comprise of building up of a reserve of raw materials and implements for supply to producer, creation of common service facilities for processing of raw materials as finished goods and provisions of facilities for marketing of KVI products. To promote the sale and marketing of Khadi or products of Village Industries or handicrafts, the KVIC may forge links with established marketing agencies wherever necessary and feasible.

Similarly Khadi Gramodyog Bhawan is the trading unit of KVIC which runs under the Ministry of Small Scale Industries and Agro Rural Industries (SSI & ARI), Govt. of India. Since 1973 the trading operation of Khadi Gramodyog Bhawan, New Delhi has come under control of KVIC by its Standing Order No. 1000 and all the employees of Khadi Gramodyog Bhawan, New Delhi are treated as regular staff of KVIC a statutory body created under Act of Parliament and thus whatever office orders/standing orders are issued from time to time by the KVIC, Hd. Office at Mumbai it is to be followed by the Bhawan.

All the employees at Khadi Gramodyog Bhawan, New Delhi are appointed as per the terms and conditions laid down by the KVIC from time to time and as per the terms of appointment the Commission reserves the right to revise his/her designation, scale of pay and allowances as and when it decides to do so, Clause XI of the appointment letter of one of the workman/employee of KGB, New Delhi and also the employee shall be subject to all rules, regulations and other orders already framed and also those which may be framed from time to time by the Commission in respect of all conditions affecting service, pay etc. as per Clause XII of the appointment letter. Photocopy of the appointment letter enclosed herewith marked as Annexure-I. So the employees of Khadi Gramodyog Bhawan are getting the same pay perks as the KVIC employees are getting except the pension facility.

In order to promote the sale of KVI products Khadi Gramodyog Bhawan, New Delhi displays exhibition, sale during the month of October, so as a general practice and under trading operation the employees of Khadi Gramodyog Bhawan, New Delhi were getting over time allowance at twice the rate of normal remuneration calculated by the hour as provided under the Delhi Shops and Establishment Act, 1954. Infact there was no written order for the double over time allowance rather it was being remitted as customary. That this practice lead to increase in avoidable expenditure and resulted in furthering the losses of departmental sales outlets/trading units. So with a view to ensure a uniform policy for payment of over time allowance the above double over time allowance has been abolished *vide* office order No. 1879 dated 13-11-2000.

Photocopy of the order is enclosed herewith and marked as Annexure - II. Therefore, KVIC office *vide* order No. 1879 dated 13-11-2000 issued by CEO has withdrawn the facility of over time allowance of trading staff disbursing on *ad hoc* basis and directed to pay in line with the policy laid down for payment of over time allowance as per recommendation of 5th Pay Commission.

Since the Khadi Gramodyog Bhawan is under the administrative control of KVIC so whatever office orders/standing orders are issued from time to time by the KVIC it is to be followed by the Khadi Gramodyog Bhawan.

That Para 2 of the claim is admitted to the extent that the workmen of the management were being paid over time wages at twice the rate of normal wages for the past several years as customary, though there was no written order as such and as per the recommendation of 5th Pay Commission the management had not been paying the over time wages at twice the rate of normal wages to the workmen after 13-11-2000 *vide* office order No. 1879. Khadi Gramodyog Bhawan is trading unit of KVIC which runs under the Ministry of SSI and ARI Govt. of India and is under the administrative control of KVIC a statutory body created under the Act of Parliament so it is the Central Government, which makes the rules and therefore any change is the violation of Ministries order. Therefore, rest of the Para is wrong, incorrect and hence denied in view of the submissions made above in brief facts of the case.

That para 3 of the claim is admitted to the extent that management is a trading center and working hours is 8 hours in a day excluding the lunch recess for 30 minutes, but rest of the para is a matter of record and therefore needs no reply.

That para 7 of the claim is wrong, incorrect and therefore, denied in view of the submissions made above. As already explained above that during display of exhibition or sale in month of October every year the work exceeds the normal working hours. Rest of the contentions is wrong and therefore denied.

It is therefore prayed that in the circumstances as already stated in the claim as filed by the workmen be dismissed. Any other order, direction as may be deemed fit in the facts and circumstances of the case be also passed.

The workmen applicants have filed rejoinder. In their rejoinder they have reiterated the averments of their claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that the management has admitted that the workmen were paid over time allowance @ twice the actual wages right from

the inception of the Khadi Bhawan and it was stopped w.e.f. 13-11-2000 by Circular No. 1879 dated 13-11-2000 and over time allowance was fixed not double the rate of the actual salary but even for over time hours the workmen are paid the normal wages or even less than normal wages.

It was submitted that the Khadi Bhawan is engaged in sale of manufactured articles. It is an industry and it is governed by Section 8 of the Delhi Shops and Establishment Act, 1954. Section 8 of Delhi Shops and Establishment Act, 1954 reads as under :—

“8. Employment of adults, hours of work — No adult shall be employed or allowed to work about the business of an establishment for more than nine hours on any day or 48 hours in a week and occupier shall fix the daily periods of work accordingly.

Provided that during any period of stock taking or making of accounts or any other purpose as may be prescribed, any adult employee may be allowed or required to work for more than the hours fixed in this section, but not exceeding 54 hours in any week subject to the conditions that the aggregate hours so worked shall not exceed 150 hours in a year.

Provided further that advance intimation of at least three days in this respect has been given in the prescribed manner to the Chief Inspector and that any person employed on over time shall be entitled to remuneration for such over time work at twice the rate of his normal remuneration calculated by the hour.

Explanation — for the purpose of calculating the normal hourly wage the day shall be reckoned as consisting of eight hours.”

It was submitted that Khadi Bhawan is a Shop as well as commercial establishment. Goods are sold on retail basis and services are rendered to customers by the management through its Bhawan i.e. Shops or Selling Counters. The management has been extracting over time work from the workmen but payment is not made @ twice the calculated per hour wages. The rate fixed by the Circular No. 1879 is illegal.

It was further submitted that the workmen have statutory right to get payment at double the rate of the wages. The Vth Pay Commission cannot modify or supercede the statutory confirm right of the workmen.

The recommendations of Vth Pay Commission for making payment at the rate of wages during the normal hours for over time is illegal, unfair, arbitrary and against all the labour legislations which envisage better benefits and service conditions to the employees.

It was submitted from the side of the management that it has got the revised designation pay and allowance. Revision is always for betterment and upward march. By way of revision the wages cannot be reduced and the employees cannot be put to disadvantageous status.

It was further submitted from the side of the management that the workmen were getting over time at double the rate of normal wages calculated by hours as provided under Delhi Shops and Establishment Act, 1954. This benefit was withdrawn in view of the recommendations of the Vth Pay Commission. The statutory right cannot be infringed or nullified by recommendations by any Pay Commissions. The workmen have a right to get payment double the rate of the normal wages for over time hours. The management cannot deny this benefit under garb of the Vth Pay Commission. The workmen are found entitled to payment at double the rate of the normal hours for over time hours duty.

The reference stands replied thus:

The action of the management of Khadi Gramodyog Bhawan in payment of over time at single rate after Fifth Pay Commission when the same was paid at double rate after Fourth Pay Commission is neither legal nor justified. The workmen are entitled to get double the rate of normal hours for over time hours of duty. The management should pay the workmen the entire arrears of over time allowance wages within three months from the date of publication of the award.

Award is given accordingly.

Date: 10-10-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या एल. सी. आई. डी-253/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-2006 को प्राप्त हुआ था।

[सं. एल-40025/6/2006-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4363.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID/253/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 16-10-2006.

[No. L-40025/6/2006-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present : Shri T. Ramachandra Reddy,
Presiding Officer****Dated the 28th day of September, 2006****INDUSTRIAL DISPUTE L.C.I.D.No. 253/2001****Between:**Sri G. Narsa Reddy,
S/o Thimma Reddy,
R/o Toopran,
Medak District

.....Petitioner

ANDThe General Manager,
Bharat Sanchar Nigam Ltd.,
Telecom,
Sangareddy - 502 050

....Respondent

Appearances:**For the Petitioner :** M/s C. Suryanarayana &
P. Venkateswara Rao,
Advocates**For the Respondent :** Sri R. S. Murthy, Advocate**AWARD**

This is a petition filed by Shri G. Narsa Reddy against Bharat Sanchar Nigam Ltd., represented by General Manager, Sangareddy under Sec.2A(2) of Industrial Disputes Act, 1947 for reinstatement and continuity of service, protection of seniority including grant of temporary status and future absorption with all attendant benefits.

2. This case was taken on file in view of the Judgement of Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. The Petitioner submitted that he was employed for 116 days from August to November, 1982 and his name was shown in the muster rolls. But thereafter he was not employed even though his juniors were continued in service in violation of the provisions of Sec. 25G of Industrial Disputes Act, 1947. He was occasionally employed without showing his name in the muster rolls and he was paid his wages on ACG-17 payment vouchers.

4. It is further submitted that he was again employed for 528 days from 1-4-86 showing his name on muster rolls and his working days were duly certified. Thereafter his name was again removed in violation of the provisions of Sec. 25F of Industrial Disputes Act, 1947. However, he was continued in employment by J. E., Siddipet on bill works without showing his name in muster rolls. He was so

employed for over 450 days from 1-11-88 to 25-3-89 and again he was retrenched from service. Petitioner filed OA No.145 of 1995 questioning his disengagement as being in violation of the Industrial Disputes Act, 1947 before Hon'ble Central Administrative Tribunal, Hyderabad. It was filed on 8-2-95 directing the Respondent to reengage him as casual mazdoor in preference to freshers whenever there is a work provided none shall be retrenched who were already in service. It is further submitted that the Hon'ble Central Administrative Tribunal impermissible illegal condition stated that none shall be retrenched who are in service. The Petitioners Junior Shri K.R.K Paramahansa has obtained an order from Hon'ble Central Administrative Tribunal dated 29-7-1999 directing the Respondent to reengage him forthwith and granting temporary status and regularization. Therefore, the Petitioner filed review application in RA (SR No. 1974) of 2001 to review the order in his OA 145/95 to secure similar benefit but the same was dismissed. Writ Petition filed by the Petitioner against the order of the Hon'ble Central Administrative Tribunal was also dismissed. It is further submitted that the Respondent did not take any action for his reinstatement on the letter of the Petitioner's lawyer for implementing the judgement.

5. It is further submitted that the juniors of the Petitioner was selected and employed despite the alleged ban on fresh recruitment and employment of casual workers.

6. The respondent filed the counter affidavit of Shri G.V. S. Ananda Rao, D.E. (Admn.) Sangareddy and denied the averments made in the petition. It is submitted that the Petitioner initially filed OA No. 145/95 on the file of Hon'ble Central Administrative Tribunal to declare that Petitioner is entitled to rearrangement as casual labour and grant of temporary status. In terms of the instructions issued by the director General Telecom., New Delhi. The said OA was disposed of directing the respondent to reengage the Petitioner as casual labour in preference to the freshers where ever there is work, without retrenching casual labour who are already working and the engagement can be a fresh subject to the availability of the work. It is further submitted that the Petitioner could not have approached the mustering officers but filed MA 5450/97 for his re-engagement with consequential benefits before the Hon'ble Central Administrative Tribunal which disallowed the same on 8-2-95. The Petitioner also filed RASR No. 1974/2001 with a condonation of delay petition MA No.390/2001 and the same was dismissed on the ground as it was filed after more than 6 years to review order in OA 145/95. Writ Petition filed by the Petitioner against the order was dismissed on 4.9.2001 permitting him to avail other remedies.

7. It is further submitted that the Petitioner's re-engagement was considered and found that he is entitled for re-engagement if any work is available without disengaging the casual labourers already on rolls and found he could not be engaged for want of work and further there

is a ban imposed for engaging casual labour by Government of India.

8. It is further submitted that the records regarding the engagement of the Petitioner is not available to verify his engagement and the same was weeded out by afflux of time as per the rules.

9. The Petitioner filed his evidence affidavit in support of his case besides the affidavit of Shri G. Satyanarayana as WW2 and got marked the following documents. Ex. 1 is the particulars of employment of the Petitioner from 1-8-82 to 25-11-82. Ex. W2 is the copy of the order in Writ Petition 17936/2001. As against this evidence the Respondent filed the affidavit of Sri A. Pydi Naidu, D.E.(Admn.) in the office of General Manager, Telecom District, Sangareddy and got marked documents Ex. M I, copy of letter dated 12-2-99 regarding ban on engagement of casual labourers and Ex.M2 is the copy of the letter dated 22-2-93 regarding engagement of casual mazdoors.

10. The contention of the Petitioner is that he worked as a casual labour for several years but he was not given any temporary status and absorption. His junior Sri K.R.K. Paramahansa was given temporary status and absorbed in the Respondent Management. It is not in dispute that the Petitioner has earlier approached the Hon'ble Central Administrative Tribunal, Hyderabad by filing OA No.145/95 seeking the relief of re-engagement as casual labour on a ground that he was engaged intermittently upto 25-3-99 from 1.8.92. the Hon'ble Central Administrative Tribunal was pleased to direct the Respondent to take the Petitioner afresh without retrenchment of the services of other casual labours who are on the rolls. The contention of the Petitioner is that since there was a ban from 22-6-88 to engage casual labour there was no scope to engage the Petitioner. The order of the Hon'ble Central Administrative Tribunal was subject to the condition that the Petitioner should be engaged if there is a work provided there is no retrenchment of other casual labourers on rolls. Some of the casual labours who filed OA No.718/92 sought direction from the Tribunal for reinstatement. In view of the orders passed in the said OA No.145/95 to grant similar relief on the ground that he was similarly Placed the review petition filed by the Petitioner was dismissed. On that he approached the Hon'ble High Court of A.P. for filing the Writ Petition was also dismissed. The junior to the Petitioner Sri K. R. K. Paramahansa who sought relief from the Hon'ble Central Administrative Tribunal was give temporary status and absorption, as per the directions. The Petitioner was not given any relief from the Administrative Tribunal for engagement can not complain that he was discriminated. The Petitioner was engaged only as a casual labour intermittently and the provisions of Sec. 25F of Industrial Disputes Act, 1947 are not applicable, in view of the ruling in Madras High Court in Crompton Engineering Co. Vs. Addl. Labour Court (1975) ILLJ page 207 and in another case of NFC Vs. K. Penta Reddy 2002(2) ALD page 384 (DB) : The engagement of the Petitioner as a

casual worker is not based a proper selection or under any rules or procedure. The appointment being temporary and casual or contractual in nature, the Petitioner cannot get any right for absorption. Even though the Petitioner has worked for sometime as casual labour intermittently he cannot get any right for re-engagement. Further the Petitioner will not come under any scheme for temporary status or future absorption. There is no evidence to show that the Petitioner is entitle for the benefits under any scheme applicable to the Petitioner. In view of decision of the Apex Court in 2006(1) Decisions Today (SC) page 493, The Secretary, State of Karanataka & Ors. Vs. Umadevi & Ors. It was observed at para 34 and 38 as under :

"Para 34 : Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the over looking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme or public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the Original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to present regular recruitment at the instance of temporary employee's whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularisation, or permanent continuance unless the recruitment itself was made regularly and it terms of the constitutional Scheme. Merely because, an employee had continued under cover of an Order of Court, which we have described as 'litigious employment' in the earlier Part of the Judgement, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas

an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandates.

Para 38: When a person enters a temporary employment or gets engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the state has held out any promise while engaging these persons either to continue them where they are or to make them Permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the Post."

11. In the view of the facts and circumstances of the case, the Petitioner is not entitled for reinstatement and absorption in the Respondent Management. In the result, the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 28th day of September, 2006.

T RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

WW1 : Sri G. Narsa Reddy	MW1 : Sri A. Pydi Naidu
--------------------------	----------------------------

WW2 : Sri Satyanarayana

Documents marked for the Petitioner

Ex. W1 : Particulars of working days book of WW1 from 1-8-82 to 3-3-89.

Ex. W2 : Copy of order in WP 17936/2001 dt. 4-9-2001.

Documents marked for the Respondent

Ex. M1 : Copy of office memo No. 269-4/93-STN-II (Pt.) dt. 12-2-99.

Ex. M2 : Copy of Ir. No. TA/R. Evidence/20-2/Rlgs/Corr. Dt. 22-2-93.

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एल. सी. आई. डी-66/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-2006 को प्राप्त हुआ था।

[सं. एल-40025/7/2006-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4364.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.LCID 66/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 16-10-2006.

[No. L-40025/7/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : SHRI T RAMACHANDRA REDDY,
Presiding Officer

Dated the 28th day of September, 2006

INDUSTRIAL DISPUTE L.C.I.D.No. 66/2001

Between :

Sri Syed Meera,
S/o Syed Hussain,
P/T Sweeper-cum-Waterman,
O/o SDE, Telecom,
Macherla - 522 426
Guntur District.

..... Petitioner

AND

1. The General Manager,
Telecom,
Guntur- 522 007
2. The SDE,
Telecom,
Macherla - 522 426

..... Respondents

Appearances :

For the Petitioner : M/s C. Suryanarayana & P.
Venkateswara Rao, Advocates

For the Respondent : Sri R.S. Murthy, Advocate

AWARD

This is a petition filed under Sec. 2 A (2) of the ID. Act, 1947 by the Petitioner Sri Syed Meera for reinstatement by the Respondent Management with continuity of service with all incidental benefits.

2. This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. It is submitted that he was employed as part time sweeper cum waterman at Macherla Telecom Exchange for 2½ hours a day from 25.8.87 and he was paid Rs. 288/- PM through service money order by the AO of former DET's Office, Guntur till 1989. Thereafter he was paid under ACG-17 payment vouchers which were accounted for in ACE-2 accounts. Though he is entitled to get at least Rs. 810 PM for his part time work he was paid only Rs. 500 PM from June, 1996. He continued in the employment till October, 2000. He was retrenched by oral orders without complying any provisions contained in Sec. 25F and 25G of Industrial Disputes Act, 1947. It is further submitted that though he was allowed to continue in service the payments were made under fictitious names to deprive him of the opportunity of absorption under the Respondent Management and further submitted that he was not even informed that his service is treated as on contract basis. He made representation dated 11.8.89 for absorption. But his name was not considered.

4. The Respondent filed counter affidavit of SDE Sri Y. Nageswara Rao and denied the averments made in the petition and contended that there is no part time employment of the post of sweeper in group 'D' services. The post of Group 'D' are filled in accordance with the recruitment rules. It is further submitted that there is no sanctioned post of sweeper as there is no justification since the exchange at Macherla is with a small carpet area. As such a contingent employment for 2½ hours daily was resorted to. Therefore, such an order was issued to that effect and the part time employment is purely temporary and liable for termination at any time and the expenditure is debitable to other contingencies and the same was written in the appointment order. The Petitioner was paid from the contingent amount by way of remitting through service money order upto 31-7-89. Thereafter the Petitioner failed to attend to his work. As such the work was extracted from others. When the representation made by the Petitioner for regularization, it was informed that there is no scope to regularize since he was engaged as a contingent employee for 2½ hours in a day. Further in the light of the circular dated 12-2-99 imposing ban on engagement of casual labour, the position was intimated to the Petitioner. The Petitioner in no point of time reported for engagement as part time sweeper in Macherla. Exchange after 1.8.89. It is further submitted that the records of payment through contingencies are weeded out after expiry of three years and there is no scope to verify the payments made to the Petitioner.

5. The Petitioner filed his evidence affidavit besides evidence affidavit of Sri K. Sudhakar, WW2 and Sri Pathan Rahim, WW3 and got marked documents Ex. W1 to W6. Ex. W1 is the copy of appointment order dated 27-8-87. Ex. W2 is the bunch of Xerox copies of money order coupons. Ex. W3 is the copy of statement regarding payment particulars of WW1. Ex. W4 is the copy of WW1's representation dated 11-8-2001. Ex. W5 is the copy of the particulars of wages paid to the Petitioner. Ex. W6 is copy of another set of particulars of wages paid to the Petitioner. As against this evidence the Respondent Management filed evidence affidavit of Sri Y. Nageswara Rao, as MW1.

6. The Petitioner has deposed in his affidavit that he was appointed as part time sweeper cum waterman at T.E., Macherla in Guntur District to work for 2½ hours a day under the appointment order Ex. W1 and the wages were paid by sending through money orders by the Accounts Officer of T.D.E., Guntur from August, 1987 to February, 1989. Thereafter he was paid wages on contingent rolls by Junior Engineer, Telecom, Macherla. He made a representation as per Ex. W4 to the General Manager for regularization as full time employee. WW2 and WW3 were examined to speak for the Petitioner that the Petitioner has worked as part time sweeper cum water man and he was paid the wages through money orders remittance by A.O., Guntur and subsequently he was paid by the J.E., of Macherla exchange and the Petitioner was removed from service on account of making a representation for regularization. Several juniors of the Petitioner including Saidamma were appointed as full time workers.

7. It is not in dispute that Petitioner was appointed as part time sweeper cum waterman at Telephone exchange, Macherla by order dated 25.8.87 as a contingent employee and he has to work only for 2½ hours a day and it was stated in the appointment letter that it is purely temporary and liable for termination at any time without notice or assigning any reason. The case of the Petitioner is that the Petitioner has worked as part time sweeper and from the date of appointment till the end of October, 2000 and that thereafter he was removed orally without following the provisions of D.T.E. and Sec. 25F of Industrial Disputes Act, 1947. Ex. W2 shows that the Petitioner was paid the wages by remittances through money order from Accounts Officer, Guntur till April, 1989. Document Ex. W5 shows that the Petitioner along with different people was engaged intermittently on contract basis for sweeping cum watering the premises from 1996 onwards. The claim of the Petitioner is that since he was engaged as part time sweeper for several years and that he is entitled for reinstatement and absorption. On the other hand, the case of the Respondent is that the Petitioner was not engaged after 1.8.89 and the records pertaining to the engagement of the Petitioner as a contingent employee are weeded out as per the retention rules and further Department has imposed ban on 22.6.88 leaving no scope for reinstatement or regularization and further Petitioner is only a part time employee and not entitled to

get temporary status under 1989 scheme. As such the Petitioner cannot claim for reinstatement.

8. The appointment order of the Petitioner itself shows that he was appointed as a part time sweeper to work for 2 hours a day and his appointment is purely temporary and liable for termination at any time without notice or without assigning any reason. The recruitment of group 'D' service has to be done under the rules by notification in the employment exchange and calling for interviews. It should be noted that Petitioner is only a contingent part time employee and not entitled for absorption under the scheme that was notified in the year 1989. Even though the Petitioner has worked for several years as a part time worker he is not entitled for reinstatement and absorption. I am supported by the decision of the Apex Court in 2006 (1) Decisions Today (SC) page 493, The Secretary, State of Karnataka & ors. Vs. Umadevi & Ors. It was observed at para 34 and 38 as under:

"Para 34: Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme or public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to present regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularisation, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which we have described as litigious employment in the earlier part of the judgement, he would not be entitled to

any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the by passing of the constitutional and statutory mandates.

Para 38: When a person enters a temporary employment or gets engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the state has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post."

9. In view of the said ruling, the Petitioner though worked for some time as a part time sweeper cum waterman and contract labour, he cannot get any relief for reinstatement and future absorption. In the result, the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 28th day of September, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri Syed Meera	MW1: Sri Y. Nageswara Rao.
WW2: Sri K. Sudhakar	
WW3: Sri P. Rahim	

Documents marked for the Petitioner

- Ex. W1: Copy of appointment order dated 27.8.87
- Ex. W2: List of 23 Money order coupons sent by Accounts officer
- Ex. W3: Copy of statement showing particulars of wages paid to WW 1

Ex.W4: Copy of representation of WW 1 dt. 11-8-2001
 Ex.W5: Copy of wage particulars paid to WW1
 Ex.W6: Another set of copy of wage particulars paid to WW 1

Documents marked for the Respondent

NIL

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या एल. सी. आई. डी-6/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-2006 को प्राप्त हुआ था।

[सं. एल-40025/8/2006-आई आर (डी यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4365.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.LCID/6/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 16-10-2006.

[No. L-40025/8/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL-CUM-LABOUR
 COURT AT HYDERABAD

Present: Shri T. Ramachandra Reddy,
 Presiding Officer

Dated the 28th day of September, 2006
 INDUSTRIAL DISPUTE L.C.I.D.No. 6/2002

Between:

Sri S. Venkateswarlu,
 S/o Munaswamy,
 R/o Pakala
 District Chittoor

..... Petitioner.

AND

1. The General Manager,
 BSNL, Telecom,
 Tirupathi.
2. The Sub-Divisional Officer,
 Telecom,
 Tirupathi

..... Respondents

Appearances:

For the Petitioner : M/s C. Suryanarayana & P. Venkateswara Rao, Advocates

For the Respondent : Sri R.S. Murthy, Advocate

AWARD

This is a petition filed by Petitioner Sri S. Venkateswarlu under Sec.2A(2) of Industrial Disputes Act, 1947 against the Management of Telecom, Tirupathi seeking relief of reinstatement into service as casual mazdoor with protection of his seniority and all other consequential benefits.

2. This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No.8395 of 1989 dated 3.8.1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. The Petitioner submitted that he was employed by the Respondent from 5-7-84 continuously for 140 days up to 31.3.85. Thereafter he was not engaged though his juniors were continued in the employment at various works. The Respondent has violated Sec.25F and 25G of Industrial Disputes Act, 1947 by engaging his juniors. The Petitioner could not protest for his disengagement as he developed mental illness and was treated till March, 1991. It is further submitted that after recovery from his illness he approached the authorities and ADET, Tirupathi who engaged him for 273 days from 1-5-91. As the post of ADET was abolished from 1.2.92 he was employed by AE (Works) for 54 days during the next two months. It is further submitted that the Petitioner met with an accident as such he could not work till the end of June, 1992. Thereafter he approached the Respondent but he was not engaged. Thereafter he filed OA 380/95 before the Hon'ble Central Administrative Tribunal which passed the following order: "The case of the applicant should be considered for re-engagement if there is work in future and there is need for re-engagement of casual labourers in preference to his retrenched casual labour juniors or freshers from outside. If he is re-engaged in pursuance of the above direction his placement in the seniority list should be decided by the Respondents in accordance with the existing law for granting seniority under the present situation."

4. In spite of the said orders the respondent has not re-engaged. The review petition filed by the Petitioner on the file of the Hon'ble Central Administrative Tribunal for condoning the delay was dismissed on 7-10-2001.

5. The Respondent filed the counter affidavit of Sri T. Sudhakar and denied the averments made in the petition and contended that the Petitioner initially, filed OANo.318/95 on the file of Hon'ble Central Administrative Tribunal for re-engagement as a casual labour and the Hon'ble Central Administrative Tribunal directed the Respondent to re-engage the Petitioner in preference to his juniors or freshers whenever there is need for engagement of casual

labour without retrenchment of workers who were already working as casual labour. It is made clear that the engagement of the Petitioner as a casual labour could be afresh subject to the availability of the work. It is further submitted that the Petitioner filed MA 407/98 in OA No. 318/95 for implementation of the directions and the same was dismissed. Another petition filed by the Petitioner in MA 327/2001 in MA 407/98 in OA 318/95 for condonation of delay in filing the review application to review the order dated 30-7-97 was also dismissed. It is further submitted that the Respondent duly considered the re-engagement of the Petitioner as per the directions of the Hon'ble Central Administrative Tribunal and could not provide the work in view of the ban imposed for engaging casual labour. In view of the admission of the Petitioner regarding gaps in his engagement he is not entitled for any relief and he has got break of more than 6 years which can not be condoned. The Respondent has no records to verify the work details of the Petitioner as the concerned records are weeded out by afflux of time as per the rules.

6. The Petitioner examined himself as WW1 and got marked documents Ex.W1 to W8. Ex.W1 is the medical certificate. Ex.W2 is the copy of working particulars of the Petitioner. Ex.W3 is another medical certificate. Ex.W4 is copy of representation of WW1 dated 15-7-82. Ex.W4A is the typed copy of representation, Ex.W4. Ex.W5 is the copy of order in OA No. 318/95. Ex.W6 is the copy of order in MA 327/2001 dated 10.7.2001. Ex.W7 is the Order in MA 407/98 dated 31.7.98. Ex.W8 is the copy of representation of WW1 dated 9-2-98. As against this evidence the Respondent filed the affidavit of Sri T. Sudhakar and got marked the following documents: Ex.M1 is copy of appendix 3 to P&T FHB Vol. III. Ex.M2 is the letter dated 30.3.85 regarding ban on engagement of casual labour. Ex.M3 is also another letter dated 22-6-88 regarding ban on engagement of casual labour. Ex.M4 is also another letter dated 12.2.99 regarding ban on engagement of casual labour.

7. The case of the Petitioner is that he worked for some time intermittently as a casual labour. As such, he is entitled for temporary status and future absorption. It is also his case that on account of his medical illness and accident he could not work for several years.

8. It is not in dispute that the Petitioner has approached the Hon'ble Central Administrative Tribunal and a direction was issued to the Respondent for his re-engagement afresh without retrenchment of other casual labour on rolls whenever there is a work. The case of the Respondent is that they have considered re-engagement of the Petitioner afresh but could not engage him afresh on account of non-availability of work and also in view of the ban on engagement of labour by the Department.

9. The contention of the Petitioner is that there is violation of Sec. 25F of Industrial Disputes Act, 1947 is not tenable since the Petitioner is only a casual labour engaged whenever there is a work and the provision of Sec. 25F of

Industrial Disputes Act, 1947 is not attracted in view of law laid down by Madras High Court in *Crompton Engineering Vs. Addl. Labour Court* [(1975(1)LLJ 207)] and *NFC Vs. K. Penta Reddy* [2002(2) ALD 384]. The contention of the Petitioner that the Respondent is not fair in disengagement of the Petitioner even though the Petitioner has worked for sometime is not tenable. It should be noted that regular appointments could be made only by making appointments consistent with the rules and regulations by duly notifying to the Employment Exchange or Public Service Commission. The engagement of Petitioner with future absorption amounts to appointment by back door methods. It is held in the Judgement of the apex court in 2006(1) *Decisions Today* (SC) page 493, *The Secretary, State of Karnataka & Ors. Vs. Umadevi & Ors.* It was observed at paras 34 and 38 as under:

"Para 34: " Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme or public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to present regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularisation, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which we have described as 'litigious employment' in the earlier part of the Judgement, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately

the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandates.

Para 38:

When a person enters a temporary employment or gets engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post."

10. In view of the facts and circumstances of the case the Petitioner has no right to claim for reinstatement and future absorption. Therefore, the petition is dismissed.

Award passed accordingly. Transmit

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 28th day of September, 2006.

T. RAMACHANDRA REDDY, Presiding
Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

WW1: Sri S. Venkateswarlu	MW1: Sri T. Sudhakar
---------------------------	----------------------

Documents marked for the Petitioner

EX.W1: Medical certificate.
EX.W2: Copy of working particulars of the Petitioner.
EX.W3: Another medical certificate.
EX.W4: Copy of representation of WW1 dated 15-7-82.
EX.W4A: Typed copy of representation, EX.W4.
EX.W5: Copy of order in OA No. 318/95.
EX.W6: Copy of order in MA 327/2001 dated 10-7-2001.
EX.W7: Order in MA 407/98 dated 31-7-98.

EX.W8: Copy of representation of WW1 dated 9-2-98.

Documents marked for the Respondent

EX.M1: Copy of appendix 3 to P & T FHB Vol. III
EX.M2: Copy of Lr.No.270/6/84-STN dt.30-3-85
EX.M3: Copy of Lr.No.270/6/84-STN dt. 22-6-88
EX.M4: Copy of Lr. No.269-4/93-STN-II(PT) dt.12-2-99

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4366.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 75/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-2006 को प्राप्त हुआ था।

[सं. एल-40012/268/2002-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4366.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 75/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 16-10-2006.

[No. L-40012/268/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri T. Ramachandra Reddy
Presiding Officer

Dated the 27th day of September, 2006

INDUSTRIAL DISPUTE No. 75/2004

(Old ITID No. 13/2003 transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

Between :

Smt Nakkilla Appayamma & Others, C/o Office of the General Manager, M/s BSNL Telecom District, Dabagardens, Visakhapatnam-20.Petitioners
AND	
The General Manager, BSNL Telecom District, Dabagardens, Visakhapatnam - 20.Respondent

Appearances:

For the Petitioner : Sri C.S. Rao, Advocate

For the Respondent : Smt. D. Venkatas Lakshmi
(Arrabolu), Advocate**AWARD**

This is a reference made by the Government of India by its order No. L-40012/268/2002-IR(DU) dated 28/31-3-2003, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 for adjudication of the dispute to the Industrial Tribunal-cum-Labour Court, Visakhapatnam with the following schedule.

SCHEDULE

"Whether the dispute raised by Smt. Nakkilla Appayamma and others for regularisation of Smt. Nakkilla Appayamma, Casual Mazdoor, Tiffin Room of Office of the General Manager, M/s BSNL Telecom District, Visakhapatnam as a regular Mazdoor after rendering long years of services is legal and/or justified? If not, to what relief the group of workmen are entitled?"

This case was transferred to this Tribunal on 19.1.2004 in view of the orders of Government of India, Ministry of Labour's vide No. H-11026/1/2001-IR(C.-II) dated 18-10-2001.

2. The Petitioner workwoman Smt. Nakkilla Appayamma has filed her claim statement stating that she joined in the organization of the Respondent Management as labourer about 12 years back and working at 'A' type tiffin room in the office of the General Manager, Telecom District (BSNL), Visakhapatnam to the satisfaction of her superior officers. She used to clean the tiffin room and dishes and used to served tea and tiffin from 7 AM to 5 PM. She further submitted that her juniors by name Mr. Chiranjive and Mr. Sagar who worked in the tiffin room have been appointed as mazdoors and subsequently regularized. She further submitted that she was not paid minimum wages as such she raised dispute before the Assistant Labour Commissioner (C), Visakhapatnam on 12-4-2002. She was paid only Rs. 200/- p.m., from the date of her joining. As the conciliation proceedings are ended in failure, it was referred for adjudication. She further sought the relief to direct the Respondent Management to regularize her services from the date on which the services of her juniors were regularized and pay the arrears of the wages and also minimum wages for the period she worked with all attendant benefits.

3. The Respondent Management filed counter affidavit and denied the averments made in the claim statement and contended that the Petitioner never joined in the organization of the Respondent Management and her juniors were not regularized and that she was paid Rs. 200 per month.

4. It is further submitted that the Petitioner was not at all engaged in the Respondent Management as the tiffin room is not registered one. However a part of the premises

along with two officials were provided by the Respondent and the same is being run on no loss no profit basis. Further, the affairs of the tiffin room are managed by the regular officials who took care in managing the affairs. It is further submitted that tiffin room is not at all in the scheduled employment under Minimum Wages Act, 1948.

5. The Petitioner examined herself as WW 1 in support of her case and stated that she has been working in the canteen of the Respondent since 11 years and that she was removed from service on account of approaching the Hon'ble Court for regularization and for minimum wages. She further stated that she worked as attender cum sweeper and used to clean the dishes and serve coffee and tea to the employees and she used to work from 10 AM to 1 PM and 3 PM to 5 PM. Her juniors Mr. Kumar, Mr. Sagar and Mr. Chiranjeevi who were working along with her have become the permanent employees. She further stated that she was paid only Rs. 100/- from the date of her joining upto 8 years. Thereafter it was increased to Rs. 200/- PM till her removal.

6. She admitted in her cross examination that the tiffin room where she worked earlier does not belongs to the Respondent Management and it is only purely a private engagement and the Respondent Management has nothing to do. It is also suggested to her that her juniors were not regularized.

7. The Respondent Management filed the evidence affidavit of Sri U Ramakrishna, SDE(Legal) as MW 1 and denied that the Petitioner joined in the service of the Respondent and working in the tiffin room and that her juniors were regularized. He further stated that the Petitioner was never engaged by the Respondent and the tiffin room is not a registered one but a part of the premises along with two regular officials was provided for running the tiffin room on no loss no profit basis and the affairs of the tiffin room or canteen are managed by the two regular officials who used to take care in the management of affairs.

8. It is further submitted that the Petitioner appears to be more than 60 years old and she might have attained the age of superannuation. It is suggested to him that the Petitioner was engaged by the Respondent in the tiffin room by paying Rs. 200/- by the last 12 years, he denied the suggestion.

9. The Learned Counsel for the Petitioner contended that the evidence of the Petitioner establishes that she worked in the Respondent Management as a mazdoor in the tiffin room for several years and that her juniors were regularized as such she is entitled for regularization and payment of arrears. On the other hand, the Learned Counsel for the Respondent contended that there is no evidence to show that the Petitioner has worked in the Respondent Management except her self serving statement and further pointed out that she admitted in the cross examination that tiffin room does not belongs to the Respondent and the Respondent has nothing to do with it. As such there is no relationship of employer and employee and requested to pass the award against the Petitioner.

10. Admittedly there is no evidence to show that the Petitioner has worked in the tiffin room belonging to the Respondent. That the Petitioner stated that she was paid Rs. 100/- PM initially for 8 years thereafter, it was increased to Rs. 200/- right from her joining the tiffin room about 12 years back. It is inconsistent with her evidence. Regarding the alleged working hours of the Petitioner in the claim statement as well as in the evidence. Further the Petitioner has admitted in her cross-examination that the tiffin room in which she worked earlier does not belong to the Respondent Management and it is purely a private Management and the Respondent has nothing to do with it. It only shows that a part of the premises was allotted with two regular officials for running a canteen privately for the convenience of the employees and it has nothing to do with the Management. Therefore, the workers worked in the said canteen cannot be said to be the workers of the Respondent Management and there is no relationship of employer and employee between them. It should be noted that there is no post available in the canteen and every appointment has to be made by notification and calling for interview in respect of the vacancies arise. Even for argument sake the Petitioner has worked for some time in the Respondent Management she is not entitled for regularization. I am supported by the ruling 2006(1) Decisions Today (SC) page 493, Secretary, State of Karnataka V.s. Umadevi and others wherein it was observed in para 34 and 38 as follows:

"Para 34: " Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme or public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to present regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions

for absorption, regularisation, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which we have described as 'litigious employment' in the earlier part of the Judgement, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the by passing of the constitutional and statutory mandates.

Para 38 : When a person enters a temporary employment or gets engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post."

10. In view of the circumstances the dispute raised by the Petitioner Smt. Nakkilla Appayamma and others, for regularization is untenable and unjustified and she is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 27th day of September, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner:

WW 1: Smt. Nakkilla Appayamma

Witnesses examined for the Respondent:

MW 1: Sri U. Ramakrishna

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 अक्टूबर, 2006

का. आ. 4367.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-121/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-2006 को प्राप्त हुआ था।

[सं. एल-40025/9/2006-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 16th October, 2006

S.O. 4367.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LCID 121/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 16-10-2006

[No. L-40025/9/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 28th day of September, 2006

INDUSTRIAL DISPUTE L.C.I.D. No. 121/2001

BETWEEN:

Smt. K. P. V. Ramana,
W/o Sri K. Prasad,
R/o D.No. 5.7.51, Prizerpet,
Vijayawada-520 001. Petitioner

AND

1. The General Manager,
BSNL, Vijayawada Telecom District,
Vijayawada-520 001.
2. The Assistant Engineer,
Telecom (Junction Cable Mtce.)
Vijayawada-520 001. Respondents

APPEARANCES:

For the Petitioner : M/s C. Suryanarayana &
P. Venkateswara Rao,
Advocates.

For the Respondent : Sri R. S. Murthy,
Advocate.

AWARD

This petition was filed by Smt. K.P.V. Ramana under Sec. 2A(2) of Industrial Disputes Act, 1947 seeking the relief of reinstatement with continuity of service with protection of seniority with all attendant benefits from the Respondent Management.

2. This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. It is submitted that she belongs to ST community and she was recruited as casual mazdoor in Gudivada Sub-division of former Machilipatnam Tele-Engineering Division. Subsequently, a new Tele-Engineering division was formed at Vijayawada as headquarters. She further submitted that she worked for few days at Gudivada sub-division and she had shifted to Vijayawada due to family circumstances and Vijayawada was under separate Divisional Engineer. She worked in Vijayawada Telecom District and in Railway Electrification Project, Madras from May, 1987 to February, 1991 for 440 days and 1178 days respectively. After completion of the Electrification project she migrated back to Vijayawada division and she was employed in that division for supply of water and sweeping in A.E., Telecom Junction Cable Maintenance for 226 days. She was treated on a contract monthly wage basis in the Respondent's letter dated 30-9-97. Now she was working directly under the Respondent continuously till she was orally removed w.e.f. 1-12-98. Her removal is in violation of Sec. 25F and 25 G of Industrial Disputes Act, 1947. She further submitted that on 22-8-83 Smt. A. Vijayalakshmi who is junior to her was employed as a casual labour in leave vacancy in GMT's office, posting in Hindi Section on full time basis ignoring the claim of the Petitioner.

4. The Respondent filed counter affidavit of Sri P. Jamalaiah and denied the averments made in the petition and submitted that the records pertaining to Gudivada and the Railway Electrification Project are not available and the same have been weeded out after three years as provided in Rule P & T Manual Volume-III. It is further submitted that Petitioner was engaged as a contract labour for sweeping SDE (Junction Cable) office due to absence of regular officials on leave and due to ban on filling up of the regular posts of sweepers. The terms of engagement are specific and the period of engagement came to an end after the expiry of contract period. It will not confirm any right for absorption or temporary status. The Central Government has prohibited the engagement of casual labour and directed to terminate all the casual labours engaged on regular establishment, vide O.M. dated 7-5-85 and O.M. dated 7-6-88. The contract labour on daily wages are not appointed under rules against the post and they are appointed according to need of the work.

5. It is further submitted that the Petitioner was engaged on contract basis from March, 1991 to February, 1998 on hourly basis. Thereafter the work is entrusted to the contractor for the purpose of cleaning and sweeping in the office and further submitted that the Petitioner has admitted that she has been continued to work as a casual labour from 1996 to 1998 @ Rs. 1200 PM on contract basis.

6. The Petitioner filed her evidence affidavit in support of her case and got marked documents Ex. W1 to W10. Ex. W1 is the copy of appointment order as casual labour. Ex. W2A is the Xerox copy of days book of WWI from June, 1984 to June, 1985. Ex. W2B is the Xerox copy of days book of WWI from 1-5-87 to 28-2-91. Ex. W3 is the Xerox copy of days book of WWI from 11-3-91 to 31-12-91. Ex. W4 is the copy of letter treating the Petitioner as contract casual labour. Ex. W5 is the copy of letter where it was stated that the Petitioner was working as sweeper cum water woman on contract monthly wage basis. Ex. W6 is the copy of order in OA No. 64/99 dated 18-1-99. Ex. W7 is the copy of order in OA No. 64/99 dated 20-4-99. Ex. W8 is the copy of order in OA No. 64/99 dated 10-9-99. Ex. W9 is the copy of order in MA No. 314/2000 dated 3-8-2000. Ex. W10 is the copy of order in OA No. 64/99 dated 5-12-2000. As against this evidence the Respondent filed the affidavit of Sri M. Panakala Rao, SDE, Administration in the office of General Manager, Vijayawada. The Petitioner has admitted in her cross examination that she was engaged as a part time sweeper-cum-water woman at Vijayawada. Intermittently from 1998. She reiterated in her affidavit the averments made in the petition.

7. Though the Petitioner has not referred regarding filing of a case before Hon'ble Central Administrative Tribunal, but she admitted in her cross-examination that she filed such case and the documents filed by the Petitioner discloses that the Petitioner has filed OA No. 64/99 on the file of Hon'ble Central Administrative Tribunal against the Respondent. She obtained interim order for restoration to work and ultimately withdrawn the case. The case of Petitioner is that she was engaged as a casual labour for few days at Gudivada and thereafter she shifted to Vijayawada. But she admitted that she has no records regarding her working at Gudivada. Further the case of the Petitioner that she worked continuously from 1987 to 1-5-87 to February, 1991 at Vijayawada and in Railway Electrification Project, Madras. Thereafter, she migrated back to Vijayawada Division and she worked continuously since she was terminated w.e.f. 1-12-98. The Respondent could not produce the records regarding the working days of the Petitioner. Ex. W2 shows that she worked from 1-5-87 to 28-2-91 at Electrification Project, Madras and thereafter she was engaged intermittently till December, 1991 as per Ex. W2A, the originals containing the signatures of the officers.

8. Ex. W4 filed by the Petitioner discloses that she was engaged as Sweeper-cum-water woman on contractual

monthly wage basis. The Respondents have admitted that the Petitioner was engaged on contract basis as a part time employee and that she is not eligible for getting temporary status and future absorption. It is contended by the Respondent that the Petitioner was engaged on contract basis as such the provisions under Sec. 25F and G are not applicable and further contended that prior to the engagement of the Petitioner as contract labour she worked as a part time casual labour for a specific period for electrification project. On completion of the project her services were not required. As such she will not get any right for regularization. It is further contended that there is a ban from the Government of India for engaging casual labour for the work of regular nature and the recruitment of daily wager can be done for the work of casual or seasonal or intermittent nature which is not of a full time nature and further contended that the Petitioner is not eligible for attaining temporary status as per the rules governing.

9. The claim of the Petitioner that she worked for more than 240 days as such she is entitled for temporary status cannot be accepted since she was engaged for specific period in the electrification project. Subsequent to completion of project her engagement was only on contract basis. Therefore, she can not be said to be a casual labour engaged by the Respondent Management on regular basis. The recruitment to the post has to be done only through a notification governed by the Rules. The Petitioner who worked for some time cannot get a right for reinstatement and absorption. I am supported by the ruling in 2006 (1) Decisions Today (SC) page 493, The Secretary, State of Karnataka & Ors. Vs. Umadevi & Ors. It was observed at para 34 and 38 as under :

"Para 34 : "Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme or public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his

appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to present regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularisation, or permanent continuance unless the recruitment itself was made regularly and it terms of the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which we have described as 'litigious employment' in the earlier part of the Judgement, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandates.

Para 38 : When a person enters a temporary employment or gets engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the state has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post."

10. In view of the said ruling and facts and circumstances of the case, the Petitioner is not entitled for any relief. Hence, the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 28th day of September, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Smt. K. P. V. Ramaraja	MW1 : Sri M. Panakala Rao

Documents marked for the Petitioner

Ex. W1	: Copy of SDOT Ir. No. E-20/11/82-83/14 dt. 7-8-82
Ex. W2A	: Copy of Working days book of WW1 from June, 1983 to June, 1985
Ex. W2B	: Copy of Working days book of WW1 from 1-5-87 to 28-2-91
Ex. W3	: Copy of Working days book of WW1 in the year 1991
Ex. W4	: Copy of Ir. No. E. 1/Cas-Maz/97-98/14 dt. 30-9-97
Ex. W5	: Copy of Ir. No. E. 1/Cas-Maz/97-98/37 dt. 27-1-98
Ex. W6	: Copy of order in OA No. 4/99 dt. 18-1-99
Ex. W7	: Copy of order in OA No. 4/99 dt. 20-4-99
Ex. W8	: Copy of order in OA No. 4/99 dt. 10-9-99
Ex. W9	: Copy of order in OA No. 4/99 dt. 5-12-2000
Ex. W10	: Copy of order of MA No. 314/2000 in OA No. 4/99 dt. 3-8-2000

Documents marked for the Respondent

NIL

नई दिल्ली, 16 अक्टूबर, 2006

का. आ. 4368.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 65/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2006 को प्राप्त हुआ था।

[सं. एल-12011/14/2003-आई आर (बी-11)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th October, 2006.

S.O. 4368.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 65/2003 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank, Regional Office, and their workmen, which was received by the Central Government on 13-10-2006.

[No. L-12011/14/2003-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

R. N. Rai, Presiding Officer.

I. D. No. 65/2003

IN THE MATTER OF:—

Smt. Santra Devi,
C/o. The General Secretary,
Punjab National Bank Employees Union (Regd.),
Office : 710 Billimaran, Chandani Chowk,
Delhi-110 006.

Versus

The Regional Manager,
Punjab National Bank, Regional Office,
PNB, Atma Ram House, 1, Tolstoy Marg,
New Delhi-110 001.

AWARD

The Ministry of Labour by its letter No. L-12011/14/2003-IR (B-II) Central Government dt. 5-5-2003 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Punjab National Bank, New Delhi in terminating the services of Mrs. Santra Devi, Ex. Casual worker as a part-time sweeper w.e.f. February, 2001 is just, fair and legal ? If not, what relief the concerned workman is entitled to and from which date ?”

It transpires from perusal of the order sheet that the workman has filed rejoinder on 20-1-05. He was directed to file affidavit on 5-4-05. Thereafter 10 dates were given to the workman for filing affidavit. He did not file affidavit till 27-7-06. His evidence was closed on 18-9-06. The workman has not been turning up all along.

The reference is replied thus :

The action of the management of Punjab National Bank, New Delhi in terminating the services of Mrs. Santra Devi, Ex. Casual worker as a part-time

sweeper w.e.f. February, 2001 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date : 9-10-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 17 अक्टूबर, 2006

का. आ. 4369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 63/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-2006 को प्राप्त हुआ था।

[सं. एल-22012/302/2003-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 17th October, 2006

S.O. 4369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 63/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, which was received by the Central Government on 17-10-2006.

[No. L-22012/302/2003-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW**

PRESENT

Shrikant Shukla, Presiding Officer

I. D. No. 63/2004

Ref. No. L-22012/302/2003-IR (C-II) dated : 23-6-2004.

BETWEEN

Shri P. N. Chauhan, Secretary,
Bhartiya Khadya Nigam Karamchhari Sangh
2/72, Church Road,
Agra
(In the matter of Sh. B. L. Dinesh)

AND

The Sr. Regional Manager,
Food Corporation of India,
5-6, Habibullah Estate, Hazratganj,
Lucknow.

AWARD

The Government of India, Ministry of Labour vide their order No. L-22012/302/2003-IR (CM-II) dated: 23-6-2004 has referred following dispute for adjudication to the Presiding Officer, Central Government Industrial Tribunal cum-Labour Court, Lucknow for adjudication.

“क्या वरिष्ठ क्षेत्रीय प्रबंधक, भारतीय खाद्य निगम, लखनऊ के आदेश दिनांक 21-9-91 द्वारा श्री बी. एल. दिनेश आत्मज श्री खचरमल को दिया गया दण्ड न्यायोचित है ? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है ?”

The Trade Union's case in brief is that during April, 1986, the aggrieved workman, Shri B. L. Dinesh, A.G. II(D) and one Shri Bani Singh, during their posting at Food Supply Depot, Mathura, were subjected to same set of chargesheet dated 15-3-1989 and through common disciplinary proceedings were subjected to departmental inquiry. However, the charges against the workmen were not proved by the inquiry. The Disciplinary Authority however, violated the settled law that in the event of his disagreement with the findings of Inquiry Officer, he was required to furnish substantial grounds based on relevant record and material to substantiate case against the workman with an opportunity to the delinquent employees to offer comments on the 'show cause notice' of the Disciplinary Authority. However, without going into such prescribed exercise, the Disciplinary Authority imposed the penalty of 'withholding three increments of pay of the workmen for the year 1992, 1993 and 1994 with cumulative effect.' Besides imposition of penalty, the promotion of the workmen from the post of AG. III (D) to A.G. II (D), was withdrawn vide office order No. 122/K-1/88 dated 6-5-1988. The orders dated 21-9-1991 of the Sr. Regional Manager, FCI, Lucknow, thereby imposing the above penalties on the workmen, Shri B. L. Dinesh and Shri Bani Singh has been filed by the worker which is paper No. 3/12 and 3/15. The worker preferred appeal to the prescribed Appellate Authority, which was rejected in both the cases. Aggrieved by such unreasonable and unjustified penalty, Shri Bani Singh filed his case before the Asstt. Labour Commissioner (Central), Kanpur. The said dispute was ultimately, referred by the Government of India, Ministry of Labour vide its order dated 10-10-1995 to the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur. The Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur gave its award dated 17-12-1997 in favour of the workman wherein it was held that the punishments awarded to the concerned workman by way of stoppage of three increments with retrospective effect, for recovery of Rs. 5752 is bad in law and withdrawal of promotion from A.G. II by retrospective effect is also bad in law. The Presiding Officer also held that the workman will be entitled for arrears of back wages ignoring the punishment order. He will be deemed to have been duly promoted w.e.f. 31-12-87 without

any break. He will be also entitled to other consequential and other benefits. The trade union has filed the copy of award which is paper No. 3/19 to 3/22. Award passed by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur was fully implemented by the FCI vide order dated 11-6-1999, the copy of which is paper No. 3/23, Shri Bani Singh was given the benefits of his normal increments of pay and promotion as A.G. II(D) and as A.G. (D) from due dates. Thus, acting on the above lines of the case of Shri Bani Singh, the present workman, Shri B. L. Dinesh submitted his representation dated 26-7-1999 to the Sr. Regional Manager, FCI, Lucknow stating therein that he being a similarly situated employee, as Shri Bani Singh, is eligible to the same relief as provided to Shri Bani Singh. The representation of the worker was however, rejected by the Sr. Regional Manager, FCI, Lucknow vide its order dated 27/29-11-2001, which was received by the workman on 18-12-2001. The trade union has pleaded that "if, on the contrary, the decision, even in a case filed by a single Government servant pertains to a question of principle relating to the conditions of service, even though it is not couched in the form of a general principle, it applies to all those automatically who are in the same situation." The trade union has, therefore, requested that the penalty of withholding three increments of pay for 1992, 1993 and 1994 with cumulative effect, imposed on the workman, may be ordered to be set aside. For the entire period of suspension of workman, full pay and allowances be paid to him as admissible under the rules. His promotion from the post of A.G. III (D) to A.G. II (D) ordered w.e.f. 30-12-1987 and subsequently withdrawn resulting recoveries and loss of enhanced wages, may also be rendered to be restored by re-appointing him as A.G. II (D) w.e.f. 30-12-1987, with all consequential benefits. The workman be further promoted as A.G. I (D) from the date Shri Bani Singh was offered promotion as A.G. I (D) vide order dated 16-8-2001 of the Sr. Regional Manager, FCI, Lucknow.

The opposite party has filed written statement. The opposite party has submitted that the workman and Shri Bani Singh are two different cases having two different merit. Thus, it is bad in the eyes of law to claim any parity on the aforesaid cases. It is also submitted that Disciplinary Authority disagreed the inquiry officer's observation and issued show cause notice and after given full opportunity of hearing and in most justified and legal manner penalty order was passed.

The trade union has filed rejoinder. None of the documents have been denied by the opposite party in the written statement, although documents were filed with statement of claim. There is no denial to fact that the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur passed an award in ID No. 116/95, Secretary, Bhartiya Khadya Nigam Karamchari Sangh Vs. RM, FCI. There is no dispute to the extent that the

Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur passed the award in favour of Shri Bani Singh. There is no dispute also that Shri B. L. Dinesh and Shri Bani Singh both were subjected to same chargesheet dated 15-3-89 and a common inquiry officer was appointed and the inquiry commenced jointly against these persons and the findings against both workmen were similar.

The workman has filed following documents along with application C-12 :

1. Photocopy of chargesheet issued to Shri Bani Singh.
2. Photocopy of chargesheet issued to the worker.
3. Photocopy of inquiry report of Shri Bani Singh.
4. Photocopy of inquiry report of the worker.
5. Photocopy of punishment order issued to Shri Bani Singh.
6. Photocopy of punishment order issued to the worker.
7. Photocopy of award of CGIT-cum-Labour Court, Kanpur in favour of Shri Bani Singh.
8. Photocopy of implementation letter of award from FCI.
9. Photocopy of rejection letter of the worker's representation dated 6-12-2000.

The worker has examined himself. The opposite party has cross-examined him.

The opposite party has not filed any documentary or oral evidence in this case.

Heard arguments.

The articles enclosed with the chargesheet of Shri Bani Singh and Shri B. L. Dinesh are on the record and they are paper No. 13/2 and 13/7 and both of these are reproduced as under :

Paper No. 13/2 :

"ARTICLE-I:

The said Shri Bani Singh, AG.II(D) while posted and function as such at KG Godown, Mathura during Feb. 86 failed to maintain absolute integrity, devotion to duty failed to served the organization honestly and faithfully and also acted in a manner which is unbecoming of a corporation employee in as such as said Sri Bani Singh in collusion with S/Sri Dinesh, R. C. Sharma, AG.I(D), Unit Incharge, M. R. Sharma, AM(D) & Watch & Ward staff posted at the unit misappropriated 730 bags of wheat and 31 BT 'A'

class and with intention to cover-up his guilt and misdeed an FIR was lodged by Sri R. C. Sharma, AG.I(D), Unit Incharge KG Godown Mathura on 12-2-86. Narhohi, Mathura. On further, investigation it was observed that this is not a theft case instead a case of misappropriation which has been intentionally and deliberately given the shape of theft.

Thus Sri Bani Singh, AG. III (D) has contravened regulation 31 & 32 of FCI Staff Regulation, 1971.

-Sd-

SR. REGIONAL MANAGER"

Paper No. 13/7 :

"ARTICLE-I:

Said Shri B. L. Dinesh, AG. III (D) while posted and function as such at K G Godown, Mathura during Feb. 86 failed to maintain absolute integrity, devotion to duty failed to serve the organization honestly and faithfully and also acted in a manner which is unbecoming of a corporation employee in as such as said Sri B. L. Dinesh in collusion with S/Sri Bani Singh AG. III (D), R. C. Sharma, AG.I(D), Unit Incharge, M. R. Sharma, AM(D) & Watch & Ward staff posted at the unit misappropriated 730 bags of wheat and 31 BT 'A' class and with intention to cover-up his guilt and misdeed an FIR was lodged by Sri R. C. Sharma, AG.I (D), Unit Incharge K G Godown Mathura on 12-2-86. Narhohi, Mathura. On further, investigation it was observed that this is not a theft case instead a case of misappropriation which has been intentionally and deliberately given the shape of theft.

Thus Sri B. L. Dinesh, AG. III (D) has contravened regulation 31 & 32 of FCI Staff Regulation, 1971.

-Sd-

SR. REGIONAL MANAGER"

From the forgoing chargesheet it will appear that both have been chargesheeted for misappropriation of 730 bags of wheat and 31 BT 'A' class and with a intention to cover-up this guilt and misdeed an FIR was lodged by Shri R. C. Sharma, AG.I (D), Unit Incharge, KG Godown, Mathura on 12-2-86. It is alleged that Shri Bani Singh and Shri B. L. Dinesh both were in collusion with Shri R. C. Sharma, AG.I (D), Unit Incharge. In both the cases the Inquiry Officer was the same and a common inquiry was conducted. The report of inquiry officer Mr. A. A. Quazmi has given his finding about the misconduct committed by Shri Bani Singh and Shri B. L. Dinesh. The reports of inquiry officer are paper No. 13/11 to 13/24 in respect of Bani Singh and paper No. 13/25 to 13/38 in respect of B. L. Dinesh. In both the reports the findings about the misconduct is that—"there is no evidence of involvement of Shri R. C. Sharma, Shri B. L. Dinesh and Shri Bani Singh in committing theft of

misappropriation in K G Godown Narhohi, Mathura in February, 1986 and therefore, the finding given is that article of chargesheet is not proved. While passing of penalty order the Disciplinary Authority has concluded as under; which is apparent from the reading of the order of Disciplinary Authority :

“Whether the undersigned has gone through the chargesheet, the enquiry report and the concerned records of the case and differs with the findings of the Enquiry Officer because the AG. III (D) working in the Godown cannot be altogether ignorant of the misappropriation of such huge quantity merely on the analogy that the keys of the godown were held by the custodian/Unit/I/C. It is true that he was not found directly involved, but when such huge stock has been misappropriated, the AG. III (D) of the godown cannot go free entirely. The collusion of the charged official in the misappropriation can, therefore, not be ruled out. FCI has suffered heavy financial loss on this account and a deterrent punishment is called for to meet the ends of justice.”

Shri B. L. Dinesh has been cross-examined by the trade union. He has stated on oath that he and Bani Singh both were punished by order dated 6-5-88. The inquiry was conducted by the same inquiry officer and the evidence was the same in both the cases. He also stated that the inquiry officer gave his finding that the charge has not been established against both of them.

Shri Dinesh also stated that the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur agreed with the case of Bani Singh and he found that the stoppage of increments were illegal and he also found that worker was entitled to be promoted with all consequential benefits.

On perusal of order on record, I find that Sh. B. L. Dinesh and Bani Singh both were penalized by the order simply because there was theft of huge quantity of foodgrain. The relevant portion of penalty order is that—

“It is true that he was not found directly involved but when such huge stock has been misappropriated, the AG. III (D) of the godown cannot go free entirely. The collusion of the charged official in the misappropriation can, therefore, not be ruled out. FCI has suffered heavy financial loss on this account and a deterrent punishment is called for to meet the ends of justice.”

The Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur has held that Disciplinary Authority has acted on the basis of conjecture and surmises his complicity in the case cannot be inferred merely because he was posted at the unit. The Presiding Officer gave his finding that punishment order to the concerned workman by way of stoppage of three increments with retrospective effect for recovery is bad in

law consequently Bani Singh held to be entitled for arrears of wages ignoring the punishment order. He has further ordered that Shri Bani Singh will be deemed to have been duly promoted w.e.f. 31-12-87 without any break. He further provided the relief that worker be also entitled for other consequential benefits.

The trade union has filed the extract of Swamy's Digest referring to the applicability of Tribunal's decision wherein it has been held by CAT, Ermaculam Bench in OA No. 64 of 1993, M. Vasu Vs. Union of India and Another, decided on 15-1-1993 held that the administrative authority before whom the representation has been filed had a duty to decide whether the applicant is similarly situated like applicants in the aforesaid OAs and if so to grant the same relief to him without driving him to a Court or Tribunal.

The Lerner representative of the trade union has argued that in (1985) 2 SCC 648; 1985 (L & S) 526, Inder Pal Yadav Vs. Union of India the Supreme Court, has held that who have not approached the court and who are similarly situated will be entitled to similar benefits. The fact of present case is that the opposite party has implemented the award of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur in respect of Shri Bani Singh, in other words the opposite party has agreed to the finding of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur. It is also evident that the opposite party has complied with the award. In the circumstances now there is nothing on the part of opposite party to say that the worker, Sh. B. L. Dinesh is debarred. In these circumstances order dated 21-9-1991 is not tenable. The award passed by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur is as good in the case of Sh. B. L. Dinesh as was good in the case of Bani Singh and accordingly, I hold that the penalty order is not justified and deserves to be set aside. The workman will therefore, be entitled to the wages of suspension period deducting the subsistence allowance he obtained. The worker shall be entitled to all consequential relief available to him including the arrears of wages. He will be deemed to not have been reverted by the punishment order.

Lucknow
10-10-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 17 अक्टूबर, 2006

का. आ. 4370.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 5/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-2006 को प्राप्त हुआ था।

[सं. एल-22012/30/2002-आई आर (सी-11)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 17th October, 2006

S.O. 4370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India, and their workmen, which was received by the Central Government on 17-10-2006.

[No. L-22012/30/2002-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla, Presiding Officer

I. D. No. 5/2003

Ref. No. L-22012/30/2002-IR(C-II) Dt. 8-10-2002

Between

The State Secretary
Bhartiya Khadya Nigam Karamchhari Sangh
5-6, Habibullah Estate, Hazratganj,
Lucknow (U.P.)

AND

The Sr. Regional Manager,
Food Corporation of India,
5-6, Habibullah Estate, Hazratganj,
Lucknow (U.P.) 226 001

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute vide No. L-22012/30/2002-IR (C-II) dated : 8-10-2002 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow;

“Whether the action of the management of FCI in passing reversion orders against 68 workmen vide office order dated 30-10-2000 is legal and justified ? If not, to what relief they are entitled to ?”

It is admitted fact that there are various cadres of category III employees in Food Corporation of India such as depot cadre, technical cadre, ministerial cadre, accounts cadre and engg. cadre. The seniority of each cadre of employees are maintained at Zonal level in the Office Zonal Manager, Food Corporation of India, Noida, U.P. for each cadre separately. The said Zonal Manager promoted 50 Assistant Gr. II (Min.) to Assistant Gr. I (Min.) against penal year 1991 vide order dated 21-12-91 and further promoted 44 AG. II (M) to the post of AG. I (M) against penal year from 1990 to 1992 dt. 22-12-92 and again promoted

19 employees from the post of AG. II (M) to AG. I (M) vide order dt. 2-12-93 against penal year 1993. All the employed had joined and started functioning on the promoted post soon they got the promotion orders.

Trade union's case is that show cause notice dt. 12-2-98 were issued to the workmen which were received by some workers. It is stated that the said show cause notice were totally illegal, arbitrary and against the law and rules. It is also stated that show cause notice were without jurisdiction. The workmen promoted and worked as AG. I (M) from 1991 to 1993 were not only reversed to AG. II (M) but also reduced the pay for the post of AG. II (M) and recover the salary already paid from 1991 to 2000 while they worked on the post of AG. I (M) for no fault of them. It has therefore been prayed that the impugned order dt. 30-10-2000 passed by the opposite party (Zonal Manager, Food Corporation of India, Noida) through which the promotion granted in 1991, 1992 and 1993 to 68 workmen of Food Corporation of India were cancelled/withdrawn consequently they were reversed be set aside and the management of Food Corporation of India be directed to pay all consequential benefits of promotion from the date they were promoted and worked.

The written statement has been filed by the Joint Manager on behalf of Food Corporation of India wherein it has been stated that the opposite party while implementing the Hon'ble Delhi High Court orders/judgement dt. 14-1-92 which was reiterated on 11-1-94 passed in writ petition No. CWP No. 3599/93 CWP No. 4006/90, CWP No. 139/91 W. P. NO. 468/93 which was confirmed by Hon'ble Supreme Court while dismissing a special leave petition filed by the management. The position of the workmen came down side. Hence show cause notice was issued in absence of the availability of vacancies. Before their reversion sufficient vacancies were created under career progressive scheme in the year 2000 and they were promoted as AG. I (D) notionally. On the basis of revised seniority list against 2000 panel vide office order No. 192/2000/EIX dated 30-10-2000. In order to inter-se Zonal seniority position they were promoted vide said order and their earlier promotion order issued during 1991-93 on the basis of pre-revised zonal seniority list was cancelled/withdrawn. The old seniority list has been replaced by revised zonal seniority list and the pre-revised seniority list became impunctive. The seniority list has been recasted/revised in terms of Hon'ble High Court judgements. Thus accordingly promotion order to the post of AG. I (M) against 1991, 1992 & 1993 panel was issued for 66, 51 and 31 personnels through order dt. 3-11-95 on the basis of revised zonal seniority. The opposite party in pursuance of Hon'ble High Court judgement, zonal office (N) revised the zonal seniority list of the initial grade i.e. AG. III (D) TA. III/AG. III (M)/Typist by adopting the procedure as laid down in regulation 16(1) of Food Corporation of India Staff Regulation, 1971 and circulated the revised zonal seniority list during 1995.

344481/06-22

Thus the impugned order was made effective. The order passed by the opposite party is legal, just and in accordance with law made in pursuance of Hon'ble High Court order.

The opposite party has also stated that a show cause notice was served on all effected parties and thereafter the order was enforced. A full length opportunity of hearing was provided. The aforesaid action was taken in pursuance of recasting of seniority by implementing Hon'ble Delhi High Courts judgement dt. 14-1-92 which was reiterated on 11-1-94 and confirmed by Hon'ble Supreme Court while dismissing of special leave petition. Thus the position of the worker came down. As per the Food Corporation of India (Staff) Regulation 1971 and standing instructions the Dy. Zonal Manager (N) is the competent authority in the case of promotion of category III officials. Therefore, Dy. Zonal Manager is fully empowered to issue such cause notice.

The trade union has filed the rejoinder wherein he has reiterated the facts of statement of claim.

The trade union has not filed the copy of impugned order dated 30-10-2000 along with statement of claim.

The trade union filed following photo copies of the documents along with application C-23 dt. 30-12-2004 i.e. date of evidence;

1. Office order dt. 21-12-91
2. Office order dt. 22-12-92
3. Office order dt. 30/31-3-93
4. Office order dt. 26-12-91
5. Office order dt. 23/24-4-93
6. Office order dt. 26-12-92
7. Office order dt. 2-12-93
8. Show cause notice dt. 12-2-98
9. Reply to SCN of Sri Vinood Kumar Saini
10. Reply to SCN of Sri Vinood Kr. Srivastava
11. Reply to SCN of Sri Syed H. Abbas
12. Reply to SCN of Sri Ram Cheej Pandey
13. Reply to SCN of Sri Radha Krishna Rao
14. Reply to SCN of Sri Raghu Nath Pandey
15. Reply to SCN of Sri Janardan Nath
16. Reply to SCN of Sri Mohd. Sadiq
17. Reply to SCN of Sri Raja Ram
18. Reply to SCN of Sri S. C. Kumar
19. Reply to SCN of Sri R. B. Singh
20. Reply to SCN of Sri N. P. Singh

21. Impugned order dt. 30-10-2000
22. Reply to SCN of Sri Mohd. Syed Alam Fagli
23. Pay fixation orders dt. 2-3-94
24. Pay fixation orders dt. 11-12-92
25. Pay fixation orders dt. 18-6-93
26. Pay fixation orders dt. 6-9-93
27. Pay fixation orders dt. 14-1-94
28. Pay fixation orders dt. 16/21-12-92
29. Pay fixation orders dt. 5-1-93
30. Pay fixation orders dt. 27-7-93
31. Pay fixation orders dt. 18-6-97
32. Pay fixation orders dt. 7-1-93
33. Pay fixation orders dt. 5-1-96
34. Pay fixation orders dt. 21-10-93
35. Pay fixation orders dt. 6-9-93
36. Reply to show cause notice of Sri N. P. Singh

Since the worker did not produce any evidence therefore the case was ordered to proceed ex-parte against the trade union.

The management has also not filed any evidence.

None of the parties present for workmen. Therefore had no opportunity to listen the parties.

The trade union has filed paper no. 24/10 which purports to be notice issued to one Vinood Kumar which is narrated as under :

"Whereas, Sri Vinood Kumar Saini while working as Asstt. Gr. (M) Steno. II was promoted to the post of Asstt. Gr. I (M) vide office order no. 34/93-EIX dated 2-12-93 issue from file no. EIX/2 (s)/99-142 on the basis of seniority of Asstt. Gr. II (M) Steno Gr. II in vague at the relevant time.

Consequent upon revision/recasting of zonal seniority of Asstt. Gr. III (M)/Typist in terms of Regulation. 16(1) of the Food Corporation of India (Staff) Regulations, 1971 by implementing the judgement of Hon'ble High Court of Delhi pronounced on 14-1-92 and 11-1-94 CWP No. 3599/93 and CWP 4006 of 1990 and 1319/91 and W.P. No. 4681/93 and confirmed by Hon'ble Supreme Court of India by dismissing SLP No. 6681/92 with SLC (C) No. 6890/92 on 7-8-92, number of officials who were shown juniors have become senior to those who were shown senior earlier and their position have gone down as Asstt. Gr. III (M)/Typist. Accordingly, notional promotion orders from Asstt. Gr. III (M)/Typist to the post Asstt. Gr. II (M) were issued subject

to final decision of transfer petition/stay application pending before the Hon'ble Supreme Court of India relating to 30th amendment in the Food Corporation of India (Staff) Regulation 1971. The judgement dt. 8-12-89 given by Punjab & Haryana High Court in W.P. No. 7160 of 1988 affirmed by LPA No. 635 of 1990 on 28-7-92 over-ruling 30th amendment in the Food Corporation of India (Staff) Regulation 1971 was implemented as FCI failed to obtain the stay order from the Hon'ble Supreme Court of India in S.L. P Civil No. 6890/92 and the petitioners filed contempt (i.e. No. 451 of 1994) to implement the above said judgement of Punjab & Haryana High Court and then Competent Authority has agreed to implement the order vide U.O. Note on 15-11-94.

And whereas, the Integrated zonal seniority have further been fixed as Asstt. Gr. II (M)/Steno Gr. II as circulated vide circular no. 5 (207)/94-E-III dt. 13-10-95 Sri Vinood Kumar Saini has been assigned seniority at Sl. No. 945 and has become junior in the Integrated zonal seniority of Asstt. Gr. II (M)/Steno Gr. II and not covered for promotion to the post of Asstt. Gr. (M), the post he/she has been holding since 2-12-93.

Now therefore, the undersigned in exercise of powers conferred on him propose to revert you to the post of Asstt. Gr. II (M)/Steno Gr. II from the post of Asstt. GR. I (M) for the reason stated above.

Sri Vinood Kumar Saini is directed to show cause as to why he/she not be reverted to the post of Asstt. Gr. II (M)/Steno Gr. II as he/she has become junior consequent upon revision of seniority and not covered for promotion as Asstt. Gr. I (M) for want of vacant posts to the grade of Asstt. Gr. I (M) in the subsequent years. His/her reply of the notice should reach to the undersigned within 30 days of receipt of the notice failing which it will be presumed that he/she has nothing to explain in defence and action as deemed fit or proper, will be taken against him/her for reverting him to the post of Asstt. Gr. II (M)/Steno Gr. II."

Impugned order dt. 30-10-2000 is paper no. 24/13 which reads as under;

EFX/2(4)/2000-NZ/624 d

Dt. 30-10-2000

OFFICE ORDER NO. 192/2000/E. IX

"The officials whose names are shown in Annexure-I, promoted as AG. I (M) on the basis of pre-revised zonal seniority list of AG. II (M)/Steno Gr. II during the years 1991 to 1993, were not covered for promotion to the post of AG. I (M)/Steno Gr. II w.e.f. 1972-77 which was framed in terms of Hon'ble High Court Delhi judgements dt. 14-1-92 and 11-1-94 and Hon'ble Punjab & Haryana High Court judgement dt. 8-11-89 in CWP No. 7160/88. Accordingly, these officials were issued show cause notices for reversion to the post of AG-II (M).

On receipt of revised sanction strength in June 2000 these officials were considered for promotion to the post

of AG. I (M) on the basis of integrated revised zonal seniority list of AG. II (M)/Steno Gr. II and have notionally been empanelled for promotion to the post of AG. I (M) against 2000 panel.

Accordingly, these officials whose names are shown in Annexure-I are notionally promoted to the post of AG. I (M) with immediate effect subject to decision of court cases, if any and posted in the same regions in the pay scales whichever is applicable to them. Their earlier promotion orders to the post of AG. I (M) issued during the years 1991 to 1993 based on the pre-revised zonal seniority list of AG. II (M)/Steno Gr. II are hereby cancelled/withdrawn.

The promotion will take effect from the dates of their joining in the promoted post and will be without prejudice to the claim of those senior to them.

Before serving the promotion orders, it may be ensured that the date of birth and words of SC/ST as recorded against their names are correct.

This issues with the approval of competent authority..

Sd/-

S. K. BINDRA, Asstt. Manager (E. IX)
for Deputy Zonal Manager (N)

On perusal of the aforesaid documents it appears that the seniority list through which the workers were promoted was subsequently re-casted in accordance with the orders of the Hon'ble Delhi High Court, Delhi and accordingly the promotion order in respect of some of the workers was cancelled vide above order and subsequently they were given notional promotion. Since the parties have not produced sufficient evidence to adjudicate the issue effectively, therefore the issue cannot be adjudicated. Award passed accordingly.

Lucknow
6-10-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4371.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंदौर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/111 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/337/2000-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4371.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/111 of 2000) of the Central Government Industrial Tribunal.

No. 2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Indore and their workman, which was received by the Central Government on 18-10-2006.

[No. L-12012/337/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. Lad, Presiding Officer

REFERENCE No. CGIT-2/111 OF 2000

Employers in relation to the Management of
State Bank of Indore

The Deputy General Manager,
State Bank of Indore,
EMCA House, Ballard Estate,
Mumbai-400 001

AND

Their Workmen,
State Bank of Indore Employees' Union,
Through General Secretary, Empire House,
214, D. N. Road, Fort, Mumbai-400 001

APPEARANCE

For the Employer : Mr. S. P. Bhagwat,
Advocate

For the Workmen : Mr. Umesh Nabar,
Advocate

Date of reserving Award : 26th June, 2006.

Date of passing of Award : 28th July, 2006.

AWARD - 1

1. The Government of India, Ministry of Labour, by its Order No. L-12012/337/2000-IR (B-I) dated 8th November, 2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of Indore by dismissing Shri N. G. Jadhav from the services of State Bank of Indore w.e.f. 13-4-99 is justified? If not, what relief the workman is entitled?"

2. To substantiate the subject matter referred in the reference 2nd Party submitted Statement of Claim at Exhibit-8, through General Secretary of the Union, contending that, the concerned workman joined with 1st Party on 23rd April, 1979 as a Clerk at Bhuleshwar Branch. Subsequently he was assigned work of Chief Cashier at

Fort Branch and after 12th December, 1988, on the basis of seniority and merit, he was considered for the said post. According to the Union entire record of the concerned Workman was unblemish and clean.

3. On 3rd March, 1994 concerned Workman was served with suspension order alleging that, during his employment as Chief Cashier at Fort Branch, some serious irregularities have been observed. The allegations leveled against the concerned Workman were that, when he worked as Chief Cashier Cheque No. 697626 was received by the Workman unauthorisedly. It is also alleged that, Rupees Four lakhs loan was raised by the concerned Workman from Diwali fund account on 23rd October, 1993 and the same was repaid by him in cash in six installments between 24th October, 1993 and 4th November, 1993. Even C. D. Account of the concerned workman were allegedly showing abnormal transactions. It was also alleged that, on 29th December, 1993 Cash Officer had initially remarked shortage of cash of Rs. 4 lacs, though it was then noticed as wrongly mentioned by mistake. It was also alleged that, concerned Workman took undue advantage and did not maintain the books properly till 30th December, 1993. So chargesheet was served on him dated 18th July, 1995 leveling above number of allegations and calling upon concerned Workman to submit his explanation questioning as to why, the disciplinary action should not be initiated against him? It was alleged that, concerned Workman misused position of the staff of the Bank and attempted to make unauthorized entries in the Bank's Books in respect of some transactions. Concerned Workman denied all those charges categorically, however, it was not heard by the 1st Party. It is stated that, without giving any consideration to the reply given by the concerned Workman, enquiry was initiated. Charges were not explained to the concerned workman. Account holder of C. D. Account No. N-87 was not examined by the Bank. Then chargesheet was issued on the presumption that, Workman intentionally wrote C. D. Account No. N-87 without referring to correct title of the account mentioned on the voucher. Material evidence of the witness were not placed on record by the 1st Party and as such, concerned workman lost an opportunity to cross-examine said material witness. It is alleged that, fair and proper opportunity was not given to the concerned Workman by the Enquiry Officer. The concerned Workman was deprived of the right to hear him. It is also alleged that, enquiry proceedings held against the concerned Workman was conducted by violating the principles of natural justice. Evidence led by 1st Party did not prove the charges leveled against concerned Workman. The finding given by the Enquiry officer holding concerned workman guilty of the Charge under 19.5 (k) is not just and proper. The Enquiry Officer only dealt with incomplete evidence which was favourable to the 1st Party. The Enquiry officer totally ignored the evidence on record and gave finding just to oblige the Management. It is also alleged that, the finding of the

Enquiry Officer is perverse and not according to the evidence led before him. Evidence was not valued by the Enquiry Officer noting the admissions given by witnesses and contradictions brought on record by the Defence Representative in the cross. The action taken by the 1st Party on the basis of such a finding is not proportionate. So it is submitted that, enquiry be declared not just and proper and finding perverse.

4. This prayer is disputed by the 1st Party, by finding reply at Exhibit 9, denying the allegations of the Secretary of the Union and case made out by the concerned Workman stating that, proper opportunity was given to the concerned Workman. He was represented by the Union representative. No evidence was led by the concerned Workman. There was sufficient evidence before the Enquiry officer to hold concerned Workman guilty of the charges leveled against him. The misconduct of doing any act prejudicial to the interest of the Bank or gross negligence or negligence involving or likely to involve the Bank in serious loss was leveled against the concerned Workman. The charge of wilful damage or attempt to cause damage to the property of the Bank or any of its customers was also leveled against the concerned Workman. Even charge of giving or taking a bribe or illegal gratification from a customer or an employee of the Bank is also leveled against the concerned Workman. After receiving Chargesheet 10 days' time was given to the concerned Workman to explain as to why enquiry should not be initiated against him. The reply, dated 4th October, 1995, given by the concerned Workman denying the allegations was read by the Management and since said explanation was not satisfactory by letter dated 17th October, 1995 1st Party appointed Ram Atre as Enquiry Officer. By letter dated 16th November, 1995 date was fixed as 8th December, 1995 as the first date of the enquiry and Shri Wagle was appointed as Presenting Officer by the Bank. Concerned Workman appointed Shankar S. Joshi as his Defence Representative, who defended the concerned Workman. Enquiry was held between 8th December, 1995 to 11th December, 1996 in which 6 witnesses were examined by the 1st Party. Except Mohile, all the remaining 5 witnesses were cross-examined by the 2nd Party's representative and declared that, he did not want to cross-examine Mohile, the witness of the 1st Party. Even concerned Workman did not examine himself nor any other witnesses to defend his case. After giving opportunity to both to submit their written submissions, the enquiry office gave finding holding workman guilty of the charges leveled against him. Said finding was having ground, reason. The enquiry is fair and proper and finding was based on it. It is submitted that, such an enquiry cannot be declared null and void and not just and proper as claimed by the concerned Workman.

5. In view of the above pleading my Ld Predecessor framed Issues at Exhibit 10. Out of them Issue Nos. 1 and 2 are kept, as preliminary Issues which are on the point of

fairness of the enquiry and perversity of the finding. Those Issues are answered as follows :

Issues	Findings
1. Whether the domestic enquiry conducted against the workman was as per the principles of natural justice ?	Yes
2. Whether the findings of the Enquiry Officer are perverse ?	No

REASONS :

Issue Nos. 1 and 2 :

6. The allegation of the concerned Workman is that, the enquiry was not fair and proper and finding perverse whereas case of the 1st Party is that, enquiry was fair and proper and findings not perverse.

7. To answer these Issues, if we go through the evidence led before this Tribunal by the Workman, we find, he filed affidavit at Exhibit 13. The said Workman is cross-examined by the 1st Party and in the cross this witness went on stating that :

"... charge sheet dated 18-7-95 was issued to me"

"... I was informed the names of the witnesses"

"... Shankar Joshi was my D. R."

"... inquiry was recorded in the enquiry proceedings."

"... inquiry proceedings was signed by me and D. R. "

"... I do not remember. ... examine myself on oath and to examine my witness."

"... I do not remember whether I gave application calling Account holder ... "

"... On perusing the proceedings of enquiry No application calling holder of A/c. No. N 87 was given."

"... correct findings recorded by the Inquiry officer were received for my submissions, by letter dated 12-8-97."

"... It is correct Disciplinary authority had called me for hearing before imposing punishment."

"It is correct myself and my D. R. had jointly given submissions on the proposed punishment vide letter dated 31-1-98."

8. From the above admissions, which are reproduced from the cross of the 2nd Party Workman, we find, he was represented by Shankar Joshi as his Defence Representative. He admits that, whatever happened in the enquiry was recorded by the Enquiry Officer in his proceedings. He even admits that, opportunity was given to him to hear him on the punishment. Besides that, 1st Party has examined Enquiry Officer by filing affidavit at

Exhibit 15. Said witness was cross-examined by the 2nd Party's Advocate. Except denial nothing came out from the cross of the 1st Party's witness who was the Enquiry officer to blast case of Management. So the evidence of the Enquiry Officer placed on record, filed in the form of affidavit filed at Exhibit 15 reveals that, the enquiry was fixed on 8th December, 1995 and the Enquiry Officer by letter dated 16th November, 1995 informed the said date, time and venue of the enquiry to the concerned Workman and the Bank. It reveals that 6 witnesses were examined by the 1st Party and Defence Representative of the 2nd Party thoroughly cross-examined 5 of them and declared that, he did not want to cross-examine Mohile. Even he states that, the Defence Representative expressed that, he did not want to examine 2nd Party, concerned Workman, or any other witness. He states that, he draw his findings on the basis of the documents and evidence placed before him. He states that, findings bear his signature. He states that, charges leveled against concerned Workman were proved except Charge No. 5 and 16 which were observed partially proved and Charge No. 7 is not proved. He also states that he specifically dealt with the denomination of Rs. 500 currency notes and 2nd Party, concerned Workman, purposely took that stand to give go by to the allegations leveled against him. When this was the finding of the Enquiry Officer and when he was charged for fraud, 2nd Party or the concerned Workman and his Advocate are unable to place on record, how enquiry was not fair and proper and how finding perverse? In fact both were having an opportunity to point out with the help of cross of this witnesses, who was Enquiry Officer, and was having an opportunity to show that, enquiry was not fair and proper and finding perverse. Mere allegation of the concerned Workman and his Advocate are that, charges were not explained by the Enquiry Officer. Even that question is not put to the witness who was the Enquiry Officer. However, this question is figured in the written submissions of the concerned Workman which is filed at Exhibit 21. Even the written submissions filed at Exhibit 21, which runs in 11 pages, just go on beating around the bush and no specific case is made out to prove it and to show how enquiry was not fair and proper and finding perverse. In fact the concerned Workman, was having the enquiry proceedings at hand and the Enquiry Officer for cross to point out and pin down to show, how the enquiry was not fair and proper? To show enquiry not fair and proper one has to show that, the Enquiry Officer was bias or no opportunity was given to the charge sheeted employee. Besides, concerned Workman, was supposed to show that, the Enquiry Officer was giving long rope to the Management only and not at all hearing the concerned Workman and his Defence Representative. Besides, concerned Workman was supposed to show that, the Enquiry Officer was making haste and has ignored the facts while giving finding. Here it is pertinent to note that, 6 witnesses were examined by the 1st Party. Enquiry proceeding is placed on record in the

form of copies which are filed at Exhibit 11. Particularly page 39, after 57 to 61, of the enquiry proceedings reveals that, there was sufficient evidence before the Enquiry Officer regarding role played by concerned Workman and his Account No. N 87. The fact of taking loan from the Diwali Fund Account by the concerned Workman is not disputed. Even fact of repaying the same in 6 installments, that, too by cash or by down payment is also not disputed by the concerned Workman. In fact concerned Workman did enter in the witness box before the Enquiry Officer and deny the evidence led against him. Even his status in the Bank as Chief Cashier is not disputed by him. Even transactions alleged to have happened during his tenure is also not disputed by him. The finding of the Enquiry Officer, particularly p.4, after p. 174 and from outer No. 180 to 222 reveals that, Enquiry Officer considered the evidence placed before him. It reveals that, he assessed the evidence. It also reveals that, he gave long rope to both and gave sufficient time to both to lead evidence. It reveals that, he has not made haste to jump to any conclusion or to windup the enquiry. Even he did not show full favour to the Management as he did not accept one charge as proved against the concerned Workman and absolved him as partially proved. If the Enquiry Officer is bias he may have observed all charges proved against the concerned Workman. But in the instant matter it did not happen so.

9. So, if we consider all this, coupled with the evidence placed on record in the form of the affidavit of the Enquiry Officer which includes findings of the Enquiry officer and enquiry proceedings I conclude that, enquiry was fair and proper. It reveals that, Enquiry Officer considered the evidence placed on record and gave finding relying on it which lead me to conclude that, inquiry is fair and proper, finding not perverse. Accordingly I answer the above issues to that effect and passes the following order:

ORDER

- (a) Enquiry is observed just, fair and proper and finding not perverse;
- (b) Both the parties are directed to take the note of it and participate in this reference for adjudication of the remaining issues by attending this Tribunal on 15th September, 2006.

Mumbai,
28th July, 2006

A. A. LAD, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आं. 4372.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दि साऊथ इंडियन बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एनाकुलम के पंचाट (संदर्भ संख्या आई डी-121/2006)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

सं. एल-12012/132/2001-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 121/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of The South Indian Bank Ltd. and their workman, which was received by the Central Government on 18-10-2006.

[No. L-12012/132/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P. L. Norbert, B.A., LL.B., Presiding Officer

(Thursday the 12th day of October, 2006/20th Asvina,
1928)

I.D. No. 121/2006

(I.D. 1/2002 of Labour Court, Kollam)

PARTIES:

Smt. Latha;

Puthuval Pattanam Veedu,

Parasala P.O.,

Thiruvananthapuram.

... Workman/Union

Adv. Shri C. Anil Kumar

The General Manager,

The South Indian Bank Ltd.,

Head Office,

Thrissur

... Management

Adv. Shri Rony J. Pallath.

AWARD

This is a reference made by Central Government under Section 10 (1)(d) of Industrial Disputes Act, 1947. The dispute referred is to adjudicate:

“Whether the action of the management in dismissing the part-time sweeper from service is justified or not?”

2. The validity of domestic enquiry was challenged by the workman and that matter was considered as a preliminary issue by the Labour Court, Kollam (State Labour Court) where the matter was then pending. It was found by

that court that the enquiry is valid and that the finding on preliminary issue will form part of final award to be passed. The preliminary order was passed on 7-3-2006. Thereafter as per the order of the Hon'ble High Court this case was transferred to this court. Since the contentions of the parties are narrated in the preliminary order, I do not propose to repeat the same. The only point that requires consideration in view of the finding that the enquiry is valid is:

“Whether the punishment imposed is proportionate to the guilt?”

3. After the case was transferred to this court no further evidence was adduced before this court. Both sides were heard on the question of proportionality of the punishment.

4. **The point:** The charges levelled against the part-time sweeper Smt. Latha are that:

(1) On 26-8-1998 Smt. Latha had misappropriated an amount of Rs. 3,500 by encashing a KSFE cheque entrusted with her by one Shri Ramachandran Potti for depositing the cheque amount in his SB account.

(2) On 19-9-1998 Smt. Latha had received Rs. 800 from Smt. N. Rajeshwari, holder of SB account for remitting the amount in latter's SB account. But, Smt. Latha did not remit the amount in the SB account.

(3) On 29-10-1998, Smt. Latha had fraudulently withdrawn Rs. 1600 from the SB account of Shri K. Sadasivan, utilizing a cheque leaf and forging his signature.

(4) On 22-9-1998 Smt. Latha had fraudulently withdrawn Rs. 8000 from the SB account of Shri Sisupalan by utilizing a cheque leaf and forging his signature.

In the domestic enquiry it was found that all the charges levelled against the charge sheeted employee (CSE) stood proved. On the basis of the enquiry report the disciplinary authority proposed a punishment of dismissal from service and notice was given to the CSE. After hearing her, a final order of punishment was passed dismissing the CSE from service w.e.f. 8-6-2001. She filed an appeal before the Appellate Authority of the bank, but it was dismissed. Now the question is whether the punishment of dismissal is in proportion to the guilt or not.

The charges proved are gross misconduct falling within the provisions of Bipartite Settlements. The 1st Bipartite Settlement dated 19-10-1966, Clause 19.5 defines gross misconduct. Sub-clause (j) is applicable to the present case which reads:

“(j) Doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss.”

Clause 19.6 provides for punishment. Sub-clause (a) says that a chargesheeted employee falling under Clause 19.5 can be dismissed without notice.

The provision with regard to disciplinary action and procedure therefore were superseded and substituted by Bipartite Settlement dated 10-4-2002. But sub-clause (a) of clause 19.6 of 1966 Settlement, i.e. punishment of 'dismissal without notice' is retained in 2002 settlement. Therefore the disciplinary authority was empowered as per Bipartite Settlement to dismiss the CSE from service for gross misconduct.

5. I have referred to the charges levelled against the CSE. Though she was a part-time sweeper in Parasala Branch of South Indian Bank, she used to remain in bank and assist the staff in banking operations. She thus enjoyed the confidence of the staff and officers as well as customers. However slowly she misused the trust reposed in her by the staff and acted against the interest of the bank. Misappropriating money and forging cheque leaves of customers is no doubt a serious offence in a financial institution. It damages the reputation of the bank and impairs the confidence of customers in a bank. If such fraudulent acts are allowed to be continued, the bank is likely to lose customers in course of time. It also brings bad reputation to a bank. The business of a bank depends on the nature of the service rendered by it to the customers. If the service is bad the customers may slowly wither away. Banking business has become very competitive now-a-days. Therefore it is the lookout of management to see that the customers are never displeased or put to any trouble. It is in the above background that the conduct of CSE has to be viewed. She was found guilty in four similar fraudulent transactions. The bank cannot tolerate such conduct on the part of a staff. It is a different question whether the CSE was assigned the duty of assisting the staff or not. Once she was allowed to assist the staff either by the officers or staff or if she had volunteered to do it, she was bound to be honest and not to misuse the confidence the staff had in her. Instead she took advantage of the situation and tried to get personal gain. Considering the gravity of the guilt I have no doubt that the CSE does not deserve any leniency in punishment. There is no reason for this court to interfere with the quantum of punishment.

6. The learned counsel for the management invited my attention to the following decisions of Hon'ble Supreme Court to point out under what circumstances the court can interfere with the punishment.

In *Life Insurance Corporation of India V/s. R. Dhandapani*, 2006 1-LLJ 329 in paragraph 8 to 10, it is held that unless the punishment is shockingly disproportionate to the degree of guilt of the workman the Industrial Tribunal or Labour Court shall not interfere.

In *Karnataka Bank Ltd. V/s. A.L. Mohan Rao* (2006) 1-SCC 63, a workman colluding with the branch manager had granted a loan for which the workman had no authority.

He was dismissed from service after enquiry. The dismissal was found proper by the Labour Court. But the High Court ordered reinstatement on sympathetic grounds. The Hon'ble Supreme Court held that in such cases of gross misconduct it is not for the court to interfere. It is for the disciplinary authority to decide what is the fit punishment.

In *Chairman and Managing Director, United Commercial Bank V/s. P.C. Kakkar* (2003) 4 SCC 364, again the Hon'ble Supreme Court reiterated the principle that unless the punishment imposed by disciplinary authority is shockingly disproportionate to the guilt, the court shall not interfere. It is further observed that a bank officer should act with utmost integrity, honesty, devotion and diligence and should do nothing unbecoming of a bank officer. Acting beyond his authority, even if not causing any loss to the bank, is an act of misconduct.

In *Janatha Bazar V/s. Secretary* (2000) 7 SCC 517, four employees were chargesheeted for breach of trust and misappropriation of the value of goods. In the domestic enquiry they were found guilty and were dismissed from service. The Labour Court directed reinstatement with 25% of back wages. The Hon'ble Supreme Court found that a proved case of misappropriation does not call for any sympathy. It is the discretion of the employer to decide the quantum of punishment. The Labour Court was wrong in directing reinstatement of dismissed employees.

7. In the instant case the dismissed employee had committed fraud and misappropriated money of customers in four transactions. Considering the degree of honesty that is required in banking business and the seriousness of the offence, I have no doubt that the punishment does not in any way disproportionate to the guilt. There are no extenuating circumstances to differ from the view of the disciplinary authority in the matter of punishment. Found accordingly.

8. In the result, an award is passed finding that the action of the management in dismissing Smt. Latha, part-time sweeper from service is legal, proper and justified. However there is no order as to cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 12th day of October, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman :

WW1 : Smt. Latha.

Witness for the Management :

MW1 : Aliceamma Alexander

Exhibits for the Workman :

NIL

Exhibits for the Management :

M1 : Domestic Enquiry File.

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोंकण रेलवे कोर्पोरेशन लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/46 ऑफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-41011/9/2001-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference No. CGIT-2/46 of 2001) of the Central Government Industrial Tribunal No. 2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Konkan Railway Corporation Limited and their workman, which was received by the Central Government on 18-10-2006.

[No. L-41011/9/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

A.A. Lad, Presiding Officer

Reference No. CGIT-2/46 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF

KONKAN RAILWAY CORPORATION LIMITED.

The Managing Director,
Konkan Railway Corporation Ltd.,
Belapur Bhavan, Plot No. 6, Sector II,
CBD Bellapur, Navi Mumbai.

AND

THEIR WORKMEN

Gajanan Gaikar and 12 others,
At : Udadawane, P.O. Dhamansai,
Taluka Roha, Dist. Raigad.

APPEARANCE:

For the Employer : Mr. Prakash Kilpady,
Advocate

For the Workman : Mr. J.H. Sawant, Advocate.

Date of reserving Award : 10th July, 2006.

Date of passing of Award : 17th August, 2006.

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-41011/9/2001-IR(B-I) dated 28th/30th March, 2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Konkan Railway Corp. Ltd. in reverting Shri Gajanan P. Gaikar and 12 others (copy enclosed) from the post of Mates w.e.f. 1-4-1999 is justified ? If not, what relief the workman concerned are entitled ?"

2. To support the subject matter involved in the reference, 2nd Party, Workmen filed Statement of Claim at Exhibit 7 stating and contending that, they were employed by the 1st Party from 1995-96 and subsequently they were promoted on the post of Mate on the dates as mentioned in the annexure annexed with the statement of Claim. However, without assigning any reason and without following due process of law, change in their service conditions were made by the 1st party and they were reverted from the post of mate to Keyman. Said change was drastic one and it affects on service conditions of the employees involved in the reference. Said change is made without following due process of law. So it is unlawful and does not require to maintain. In fact notice under Section 9(A) ought to have been given and procedure given under it ought to have been followed before effecting reversions. But management did it without following due process of law and forged the documents involved in the reference. So it is prayed that the claim made by 2nd Party Workmen, involved in the reference, reverting them from the post of Mates to Keyman w.e.f. 1-4-1999 requires to be set aside and they be restored on their post of Mates with directions to 1st Party to give monetary benefits of it.

3. This prayer is disputed by 1st Party by filing written statement at Exhibit 9 stating and contending that after completion of work of building of 760 Kms. of Railway line over the West Coast which was open for transportation and as a result of that, question of continuing post of Mates does not arise since there was no work on the post of Mate. To accommodate these Workmen, 1st party instead of effecting retrenchment decided to retain these Workmen on the post of Keyman. In fact there is no drastic change in the salary as well as cadre. On the contrary, they are protected monetarily by speaking order of the 1st Party. Besides Konkan Railway has adopted the system of mechanical track maintenance to suit the requirements of heavy duty, high quality, and they were introduced to maintain track in a proper condition, utilization for transportation of the Railway. In that premises no job of

post of Mate subsists and as such, 1st party has no option but to keep these workmen on the post of Keyman. If at all any workmen did not agree to it, then those workmen ought to have been retrenched by 1st Party and there would have been a big problem before the Workman and that they might have lost their earning source. So on humanitarian grounds decision was taken by the 1st Party, in consultation with the Union, and instead of retrenching these Workmen they were kept in the employment on available work i.e. on the work of Keyman. Since there was no retrenchment and decision was taken in consultation of the Union to continue the Workmen on the post of Keyman instead of removing them from the post of Mate, question of Section 9(A) does not arise which was already adopted by calling Union representative in that regard. So it is submitted that the dispute raised by these Workmen in fact is no dispute and reference deserves to be dismissed.

4. In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 11 which I answer as follows :

Issues	Findings
1. Whether the reference is maintainable ?	No
2. Whether the action of the Management of Konkan Railway Corp. Ltd. in reverting Shri Gajanan P. Gaikar and 12 others from the post of Mates w.e.f. 1-4-1999 is legal and justified ?	Yes
3. What relief the workman concerned are entitled ?	Does not arise

5. The case made by the Workmen involved in the reference is that without following due process of law their service conditions were changed and they were reverted from the post of Mate to the post of Keyman giving effect from 1st April, 1999, whereas case of the 1st Party is that since it had no option but to revert these workmen from the post of Mate to post of Keyman just to continue them in the employment. It has taken that decision in consultation with the Union. When decision was taken in consultation of the Union and when Union agreed and intention behind said move was to protect these workmen and retain them in the employment, dispute raised has no meaning.

6. To support that, 2nd Party examined one of its employee, at Exhibit 15, by name Gajanan P. Gaikar, by filing affidavit in lieu of examination-in-chief where he reiterated the above story. In the cross this witness states that he is presently working as tracks safety man and he has studied upto 7th standard and rest of his colleagues under reference have studied upto 8th, 9th and 10th Standards who work with him. He admits that work of Konkan Railway was completed in the year 1995-96. He admits that he was given promotion earlier to 1995-96. He admits that presently track

maintenance work is being done on contract basis by 50%. He admits that no contract workers are engaged in the cadre of track safety man. Even none of them on the post of Mukdam/Mate. He also admits that the educational qualifications for the post of Supervisor are Diploma in Engineering/ITI. He is unable to state whether at present any one has to supervise the tracks upto 70 kms since initially it was to supervise upto 7 kms. He admits that he is member of Rail Kamgar Sena. He is unable to state whether there was meeting of the Union on 3rd June, 1999 regarding problems of Mates. He is also unable to state, whether in the meeting it was resolved to give training to Mates who can be promoted on the post of Supervisor. He also unable to state, whether in the said meeting G.S. Kadam and Harish Chandra were retained on Roha Veer Section. He is also unable to state whether Mhatre and Pathan were made medically unfit. He admits that, both of them are not presently working as track safety man. He unable to state, whether by reverting these workmen from the post of Mate to Keyman 1st Party was benefited and in their place others have been recruited.

7. Second Party closed their evidence by filing closing purshis at Exhibit 16. 1st Party also examined S. Dayananda by filing affidavit at Exhibit 19 in lieu of examination-in-chief of the witness and in the cross this witness states that there is difference in duties of Mates, Khalasi, Gangman and Keyman. He admits that before introducing the mechanical system Mates used to supervise the work manually. He admits that in the case of emergency contractors are called to meet with the track maintenance problems. He has no evidence to show that the Union representative did agree to the proposal of the 1st Party to revert these Workman from the post of Mate to the post of Keyman. 1st Party closed its evidence by filing closing purshis at Exhibit 20.

8. Written submissions were made by 2nd Party at Exhibit 21 with some citations and by 1st Party at Exhibit 22 with 2 citations.

9. From the evidence referred above it is not brought on record by 2nd Party that, still work of Mate subsists. It is not the case of the 2nd Party Workman that, the said work is being assigned any other person. It is a matter of record that, all these workmen involved in the reference are kept in the employment but on the post of Keyman. It is also a matter of record that, no retrenchment is effected and there is no work on the post of Mate available with the 1st party. It is also a matter of record that, all these workmen, involved in the reference, are now at present working on the post of Keyman and are educated upto Stds. IV, IX and X. It is also a matter of record that for promotion to the post of a Supervisor, candidates must be Diploma Engineering/ITI. When this is the admitted position question arises whether employees involved in the reference can be posted on the post of Keyman or on the post of Mate ?

10. It is not proved that, there is vacancy or work is available on the post of Mate still it is not assigned to these Workmen and purposely it is got done from some others. Advocate for the 2nd Party is absolutely silent and blind on this point. Here it was expected from 2nd Party to prove that work of Mate still subsists and it is got done from others. On the contrary it came on record that entire track is now open and is under use. It is also brought on record that the services of Mates are not required for maintaining these tracks. It is also brought on record that one has to supervise the track of about 70 kms. Which initially was supervised upto 7 to 9 kms. Besides, it is not brought on record, what is the difference in pay scale of Mate and Keyman. No distinguish is made and pointed out by 2nd Party how they are affected by posting of Keyman from the post of Mate ?

11. When these questions are not answered by 2nd Party question arises how 1st Party's action in continuing these workmen on the post of Keyman is illegal or decision of removing them from the post of Mate ?

12. No doubt when there is change in service conditions of the employees since there were removal from post of Mate to Keyman and if they have to work on the post of Keyman from the post of Mate, still it is pertinent to note that, no specific features are pointed out by the 2nd Party to distinguish these 2 posts. Any way by name these posts are different but it is not brought on record what way they are different and what is the nature of work in both these posts ?

13. When these things are not highlighted by 2nd Party question arises, whether this is the unfair labour practice of the 1st Party in accommodating these Workmen on the post of Keyman from Mates ? Here copy of citation referred by 2nd Party's Advocate Mr. Sawant published in 2002(4) Mh. L. J. page 709 (Cosmo Films Ltd. Vs. Sunil Vasudeorao Deshmukh) reveals that, if there is any change in the nature of work of the workman without giving notice U/Section 9(A) of the Industrial Disputes Act, 1947, Section 9(A) of the Industrial Disputes Act, 1947, comes in the way of such change and without following procedure given in provisions of Section 9(A), such a change cannot be effected. If it is effected it is an unfair labour practice adopted by the employer against the employees. It is to be noted that in the said case complaint was filed by Union in Industrial Court alleging that employer indulged in unfair practice. It was alleged that the said change was mala fide and was decided to harass the workmen involved in that matter. In our case which is at hand, decision taken by the 1st Party in keeping them in the employment cannot be called as a decision taken by it to harass these employees. On the contrary the background in which the decisions was taken by 1st Party in accommodating these workmen on the post of Keyman from the post of Mates reveals that said decision was taken in the largest interest of the

employees involved in the reference so that they may be having source of income. It is a matter of record, that work on post of Mate was not available. There question arises what to do with these workman and in that context the decision was taken to continue these workmen on the post of Keyman taking care that they will not suffer any monetary loss ? It is not the case of the 2nd Party that, as a result of that, they were in loss in salary, than the salary of Mate, and they were monetarily deprived as a result of the said reduction. So in my considered view case law produced by 2nd Party does not help 2nd Party in observing that it was illegal change. Besides, 1st Party has made out the case that, there was a meeting between the Union and the M.D. of the 1st Party and that fact is not denied by the 2nd Party. As a result of that said decision was taken this fact is also not denied by the 2nd Party.

14. The copy of case law referred by the 1st Party's Advocate published in 1994 Mh. L. J. page 1060 (Gulf Air, Bombay Vs. S. M. Vaze and Ors.) 1994 Mh. L. J. page 136 (Shri Naresari Prakashan Ltd. Vs. Nagpur Press Kamgar Sangh and Anr.) reveals that, if such a decision is taken in the interest of workers at large and since change is effected in the background of rationalization, standardization or improvement then such is permissible. By this way, Workman involved in the reference were kept in the employment and by this change they were not retrenched. Since there was no work on the post of Mate. When there was no work on the post of Mate for which they were working and when they were absorbed on the post where work was available in my considered view, said change cannot be treated as change under Section 9(A) as expected and as complained by the 2nd Party. In fact it benefits the 2nd Party employees as by that they are protected and retained in the employment of the 1st Party to have a source of income.

15. Considering all these coupled with case made out both, I conclude that the change effected by 1st Party in posting Workman involved in the reference on the post of Keyman from the post of Mate cannot be called it was effected by violating Section 9(A) of the Industrial Disputes Act, 1947. It does not affect on the benefits by the 2nd Party and on their service conditions, which was effected from 1st April, 1999. So I answer the above points to that effect holding that reference is not maintainable and action of the 1st Party is just and legal. Hence, the order :

ORDER

(a) Reference is rejected.

(b) No order as to its costs.

Mumbai,
17th August, 2006.

A. A. LAD, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4374.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोंकण रेलवे कोर्पोरेशन लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/124/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-41012/221/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference No. CGIT-2/124/2001) of the Central Government Industrial Tribunal, No. 2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Konkan Railway Corporation Limited and their workman, which was received by the Central Government on 18-10-2006.

[No. L-41012/221/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2

MUMBAI

PRESENT:

A. A. Lad, Presiding Officer

Reference No. CGIT-2/124 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF

KONKAN RAILWAY CORPORATION LIMITED.

The Chief Engineer, (South),
Konkan Railway Corporation Ltd.,
Ratnagiri (South), Railway Complex, MIDC,
Mirjole (Ratnagiri)-415 639 (Maharashtra).

AND

THEIR WORKMEN

Shri Shafi Ahmad Sayad Mohammed Guse Kadri,
Gurwar Peth, Miraj, District : Sangli (Maharashtra).

APPEARANCE:

For the Employer : Mr. Jaiprakash Sawant,
cate

For the Workman : Mr. Ranindra S. Sawant,
Advocate.

Date of reserving Award : 11th July, 2006.

Date of passing of Award : 28th August, 2006.

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-41012/221/2000-IR (B-I) dated 31st October, 2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Chief Engineer (South), Konkan Railway Corporation Ltd., Ratnagiri in terminating the services of Shri Shafi Ahmed Sayeed Mohammed Guse Kadri, Driver w.e.f. 13-12-1991 is justified? If not, what relief the workman is entitled to?"

2. To support the subject matter involved in the reference, 2nd Party, Workmen filed Statement of Claim at Exhibit 6 stating that, he was appointed as a Driver with effect from 2nd April, 1991 and permitted to work till 13-12-1991. Without assigning any reason he was terminated on 13-12-1991 with immediate effect by the 1st Party in violation of principles of natural justice, and by breaching provisions, made under Section 25(f) and 25(n) of the Industrial Disputes Act, 1947 while terminating his employment. So he prayed that said termination be set aside with directions to first party to reinstate him with benefits of back wages and continuity of service.

3. This prayer is disputed by 1st Party by filing its detailed Written Statement at Exhibit 8 stating that, there is inordinate delay of 8-½ years in raising the dispute and praying for reinstatement. In fact 2nd Party was appointed on temporary basis. There was no post of Driver with 1st Party, said understanding was given to the 2nd Party while he was recruited. In view of the said understanding he was terminated by giving him one month's salary. Besides, he was appointed on daily wages Rs. 40. Besides, he met with an accident and did not take care of the vehicle while he was in the employment. Since, he has not completed one year, in the services of the 1st Party, question of following provisions of Section 25(f) and (n) does not arise. Besides, the dispute was raised by the 2nd Party at a very belated stage and as such he is not entitled for any relief.

4. In view of the above pleadings my Ld. Predecessor framed the Issues at Exhibit 10 which I answer as follows :

Issues

Findings

- | | |
|--|-----|
| 1. Whether Shri Shafi Ahmed Sayeed Mohammed Guse Kadri worked for 240 days continuously in the Corporation ? | Yes |
| 2. Whether Management complied with Provisions of 25F of Industrial Disputes Act ? | Yes |

3. Whether the action of the Management in terminating the services of Shri Shafi Ahmed Sayeed Mohammed Guse Kadri, Driver w.e.f. 13-12-1991 is justified? Yes

REASONS

Issue Nos. 1 to 3 :

5. By raising dispute of termination dated 13-12-1991 2nd Party came out with a case that, he was appointed in a clear vacancy on the post of a Driver and without assigning any reason he was terminated. Provisions of Section 25(f) and (n) were not followed while terminating his services. Whereas case of the 1st Party is that, 2nd Party met with an accident. He was appointed purely on daily wages of Rs. 40. His appointment was purely temporary. There was no post of a Driver with the 1st Party. Said understanding was given to the 2nd Party while appointing him and while terminating, same reasons was assigned and offering one month's salary he was terminated. Besides, dispute is raised by the 2nd Party after 8-½ years. No reason is given as to why he is late. In this situation he cannot claim any relief.

6. To prove that, 2nd Party placed reliance on his evidence, filed in the form of an affidavit at Exhibit 15. The same is disputed by the 1st Party by filing evidence of one of its employee in the form of an affidavit at Exhibit 18. In the cross 2nd Party admits that, after reading and understanding the terms of appointment, given by the 1st Party he joined the services. He admits that, he was engaged as a Driver on the jeep. He admits that, his jeep met with an accident on 4th December, 1991. He admits that, when he was appointed there was no permanent post of a Driver in the Corporation. He states that he has no details on which occasion and how many times and at what time he met with the 1st Party for seeking employment. He states that, he is doing agriculture and did not apply for any job anywhere. Whereas 1st Party witness made out a case that, 2nd Party was appointed on purely temporary basis and he was paid by the Corporation directly.

7. Both have submitted written submissions i.e. by 2nd Party at Exhibit 21 and by 1st Party at Exhibit 25. 2nd Party also placed reliance on copies of some citations listed with Exhibit 26.

8. From the facts referred above, it is clear that, 2nd party was appointed as a Driver with 1st Party. There was no such post with the 1st Party. Besides, it is a matter of record that, he served with first party from 2nd April, 1991 to 13th December, 1991. It is a matter of record that, 2nd Party did not work for a year to attract the protection as required under Section 25(f) and (n) of the Industrial Disputes Act, 1947. To attract the provisions of it. Section 25(f) and (n) of the Industrial Disputes Act, 1947 reads like this :

"Section 25 (f) : No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :

- (a) the workman has been given one month's notice in writing indicating the reason for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service or any part thereof in excess of six months); and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette)".

"Section 25(N) : No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :

- (a) the workman has been given three month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been; paid in lieu of such notice, wages for the period of notice; and
- (b) the prior permission of the appropriate Government or such authority as may be specified by the Government by notification in the Official Gazette (hereafter in this section referred to as the specified authority) has been obtained on an application made in this behalf."

9. The protection given to employee of both these provisions are who has served for more than one year. Unless and until employee served for a year, he cannot attract the provisions and seek protection given in these sections. As per Section 25(f) no workman employed in an industry who has been in continuous service for not less than one year, shall be retrenched/terminated without following the provisions of Section 25(f) and (n) of the Industrial Disputes Act, 1947. If we count the service tenure of the 2nd Party from 2nd April, 1991 to 13th December, 1991 we find, he has completed 240 days. Though he has completed 240 days at the most, on the said post, he can claim permanency. But admittedly there was no clear vacancy with the 1st Party on the post of Driver and that,

fact is admitted by the 2nd Party also. Even case of the 1st Party is that, after giving such understanding 2nd Party was appointed. When there is no vacancy, question of reinstating the 2nd Party on the said post by virtue of completing 240 days does not arise. So the benefit which 2nd Party at the most can attract because of his 240 days employment, cannot be given to him only because he was not appointed in a clear vacancy or on clear post of Driver.

10. 1st Party has made out a case that, 2nd Party met with an accident on 4th December, 1991. When he met with an accident, no enquiry was held against him by leveling certain charges, appointing Enquiry Officer and giving opportunity as to how he met with the said accident. Merely because he met with an accident, it does not mean that, 1st Party had a right to terminate him.

11. It is a matter of record that, 1st Party gave one month's salary in lieu of one month's notice to the 2nd Party. That point is not disputed by the 2nd Party. 2nd Party now, is not happy with that one month's salary and after 8½ years raised dispute about said termination and pray to give him reinstatement with benefits of back wages and continuity of service.

12. As far as delay is concerned, no reason is assigned by the 2nd Party as to why he kept silent for 8½ years. No reason is assigned as to why he could not raise the dispute at the earliest. All this reveals that, just to misuse process of law, and to harass the 1st Party, 2nd Party has taken disadvantage of the provisions and raised the dispute. In fact, if at all, he was really interested and had any grievance against his alleged unjustified termination at the relevant time, definitely he might not have slept over the same and tolerated it. This conduct and approach of the 2nd Party reveals that, initially he was not inclined to challenge the said order of termination. After a number of years he decided to raise the dispute and accordingly after 8½ years he raised this issue. It is also a matter of record that, the 2nd Party was appointed purely on temporary basis. It is also a matter of record that, the said fact was brought to the notice of the 2nd Party when he was appointed and when terminated. Alongwith that, it was also brought to the notice of the 2nd Party that, there is no clear post of Driver with the 1st Party and so once upon a time he has to leave the post. The case made out by the 1st Party that, realizing that, there was no post available, with 1st Party, of Driver 2nd Party kept mum for 8½ years and at the instigation of the union he has raised this dispute which in my considered view has some substance. If at all he was really interested, person like him would not have waited for 8½ years. But here he waited and did not utter any reason about his silence over the termination for 8½ years.

13. As stated above 2nd Party has not completed one year to attract the provisions of Section 25(f) and (n) unless and until one year is completed the retrenchment

compensation cannot be given. At the most one month's salary or notice of one month was expected. 1st Party claims that, one month's salary in lieu of one month's notice was given to the 2nd Party when he was terminated. That fact is not disputed by the 2nd Party. Since 2nd Party worked only for 240 days and have not completed a year he is not entitled to claim any protection under Section 25(f) and (n) of the Industrial Disputes Act, 1947 as these two provisions expect employee to work for a year with said employer.

14. If we consider all this coupled with the case made out by 2nd Party I conclude that, though 2nd Party completed 240 days he is not entitled for reinstatement since there was no clear post of Driver available with the 1st Party. Since 2nd Party has not completed one year with the 1st Party he is not entitled to get benefit of protection under Section 25(f) and (n) of the Industrial Disputes Act, 1947.

15. The citations referred by the 2nd Party, if referred one by one, we find from those, copies of citation referred published in 2006 I CLR (Telecom District Manager, Vaisad Vs. Namlabhai Ranchhodbhai Patel) of Gujarat High Court, reveals that, even a daily wager or casual worker who works continuously for 240 days is entitled to be termed as "Workman" and he is protected under Section 25(f) of the Industrial Disputes Act, 1947. In the referred case (supra) we find concerned workmen involved in the referred case were reinstated on their post. However, in the case at hand, does not have post as happened in the above referred case and though 2nd Party completed 240 days but in the absence of the availability of the post the benefit as given to the workmen involved in the above referred case (supra) cannot be given to this workman. Another copy of citation referred published in 2005 II CLR page 952 (Bhimrao Rambhau Abhang Vs. Kohinoor Engineering Company) of our Hon'ble High Court reveals that, the Petitioner involved in the referred case (Supra) was Helper with the 1st Party Company and complaint of theft was filed against the said workman and to avoid arrest from Police, 1st Party asked the Petitioner to resign and accordingly workman tendered resignation on 10th April, 1983 and did not allow workman to work it. That dispute was raised which was allowed with directions to reinstate him with benefits of backwages and continuity of service. Here workman involved in this case kept silent for 8½ years after termination. He did not raise dispute as raised by the workman referred in the above case (supra). Workman involved in the above referred case served for 22 years in continuous service and was orally terminated at the age of 50 years. In our case workman involved in the reference worked only for few months that too on the post of a Driver which was not available with the 1st Party. Another copy of citation referred by 2nd Party's Advocate published in 2001 I CLR page 570 (ANZ Grindlays Bank V/s General Secretary, Grindlays Bank Employees Union & Ors.) reveals that the workman involved in that case was terminated without following

due process of law, as happened in our case and was declared not legal and proper. However, in the said case (Supra) workman worked from 19th March, 1990 to 30th July, 1994, without any break. Even he was given all benefits of retrenchment compensation and notice pay alongwith bonus, still he was not happy and raised the dispute. So it was allowed observing that, retrenchment was illegal. In that case (supra) termination was given as a surplus employee but in our case there was no post of Driver with the 1st Party. When there was no post of Driver with 1st Party, question arises how he can be reinstated and benefit as was given to the employee involved in the referred case (supra) be given to him ?

16. If we consider all this, coupled with the case made out by both, I conclude that, the prayer made by the 2nd Party of reinstatement with benefits of back wages and continuity of service have no force and conclude that, the 2nd Party is not entitled to get it. Hence, I am passing the following order :

ORDER

- (a) Reference is rejected;
- (b) No order as to its costs.

Mumbai,
28th August, 2006

A.A. LAD, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4375.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इश्योरेंस कॉर्पोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-2, मुम्बई के पंचाट (संदर्भ संख्या सी. जी. आई. टी.-2/49 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-17012/7/2003-आई आर (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4375.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/49 of 2003) of the Central Government Industrial Tribunal No. 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workman, which was received by the Central Government on 18-10-2006.

[No. L-17012/7/2003-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

A. A. Lad, Presiding Officer

Reference No. CGIT-2/49 of 2003

PARTIES:

Employers in relation to the Management of
Life Insurance Corporation of India

The Chief (Personnel),
LIC of India, Central Office,
Yogakshema, Jeevan Beema Marg,
Mumbai-420001.

AND

Their Workmen

Shri V. S. Desai,
Record Clerk, LIC of India,
Yogakshema, MDO-I/Sales Department,
Jeevan Beema Marg, Mumbai-420001.

APPEARANCE:

For the Employer : Mr. V. W. Bapat,
Representative

For the Workmen : In person

Date of the reserving Award : 30th June, 2006

Date of passing of Award : 8th August, 2006

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-17012/7/2003 /IR(B-I) dated 14th August, 2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Life Insurance Corporation of India, Central Office, MDO-I, Mumbai in not granting three increments to Shri S. V. Desai is justified ? If not, what relief the workman, Shri S. V. Desai is entitled to ?”

2. To support the subject matter involved in the reference, 2nd Party Workman filed Statement of Claim at Exhibit 7 stating and contending that, he was initially appointed by the Life Insurance Corporation of India, Bombay Zonal Office as a ‘Hamal’ in the year 1967 as his initial appointment was as a Hamal; he was entitled to promotion as Mukadam and Head Peon with Rs. 10 as additional special pay and if to the post of Daftry he would

have got 3 increments in the same grade with minimum pay of Rs. 131. As per agreements/terms and conditions of service he was entitled to get it in the year 1971. Second Party, workman, passed departmental examination for the higher promotion to the Class III post of Record Clerk as per the terms and conditions of the 1st Party. However, if at all had he been given direct promotion to the post of Record Clerk for which he appeared and passed the test in the year 1971, he might have got 75% D. A. and after passing the examination he might have got further higher grade of Rs. 4940-11950. According to 2nd Party, promotion from Class IV to Class III Record Clerk is on the basis of the written test only without any interview. Though he had passed the written test and, topped the merit list, he was not promoted as a Record Clerk though his colleagues and his juniors were promoted on that post of Record Clerk. The farce was made by 1st Party of taking interviews and declared 2nd Party failed. It was observed just to deprive the 2nd Party in not getting promotion which was his rightful claim. It has been done by the 1st Party, just to deprive him from getting such benefits knowing that, he was active office bearer of the All India Insurance Employees' Association, Maharashtra. In fact there is no provision to take interviews still farce made of it, and though he passed written test, he was declared fail in the oral interview. As a result of that, he lost chance of promotion of Record Clerk and by that he lost Rs. 1500 per month increment in this cadre. He was denied the promotion and fixation of his pay at par with his colleagues who were promoted in 1971 and when he had threatened to commit suicide thereafter, he was promoted as a Record Clerk in 1991 and while fixing his pay after promotion to the post of Record Clerk while fixing his pay after his promotion to the post of Record Clerk he was drawing less pay than the Class IV staff. While fixing his pay he was not granted 7 additional increments as per the terms and conditions available in 1971 to 1985. 2nd Party states that, the 1st Party has changed the D. A. formula while removing the anomaly in fixing the pay of Class IV staff promoted as Record Clerk prior to 1-4-1983. 2nd Party states that, prior to change in D. A. formula, Class IV staff was paid 100% D. A. and Class III Staff 75% D. A. After change of D. A. formula by circular dated 11-2-1987 the Record Clerk cadre was getting less than Class IV staff. By another circular 1st Party changed D. A. formula of the Class III staff of their maximum salary in Class IV cadre was fixed at Rs. 790. By this change the D. A. formula of all the public sector undertakings and all the Banks (except Reserve Bank of India) adopted the said D. A. formula but to avoid all that, 1st Party planned and did not give any benefit of it to its workers. So it is prayed that, it be declared that on promotion of Head Peon, Daftry, Record Clerk he is entitled to get 7 increments as per the terms and conditions of 1971 settlement.

3. This prayer is disputed by 1st Party, by filing exhaustive say at Exhibit 12, stating and contending that, 2nd Party cannot claim promotion as a matter of right. Admittedly he failed in his oral interview though passed in written test. The dispute raised by 2nd Party is dispute in his individual capacity which cannot be called as Industrial Dispute as defined u/section 2(A) of the Industrial Disputes Act, 1947. It is further stated that, since 2nd Party is not entitled to get promotion as of a right, he cannot treat his posting in a post of Record Clerk as Industrial Dispute. Promotions of the Class III and Class IV employees are governed and observed by the 1st Party as per its Rules. Since interview was mandatory and 2nd Party failed in it, he cannot claim his promotion on seniority basis. So it is prayed that, prayer of the 2nd Party to treat him promoted and entitled to get 3 increments is not worth to consider and dismiss it.

4. In view of the above pleadings following points arise for my determination :

POINTS

FINDINGS

- | | |
|---|--------------------|
| 1. Whether 2nd Party is entitled for 3 increments ? | No |
| 2. What order ? | As per order below |

REASONS :

Point No. 1 :

5. Case of the 2nd Party is that, his promotion as Record Clerk was denied by the 1st Party purposely over-looking that, he was union activist and was senior most employee who passed written test. He was declared fail in oral test to take revenge and with the help of that, he was deprived of being promoted as Record Clerk. Whereas case of the First Party is that, 2nd Party cannot claim promotion as of a right. Merit and seniority is counted and not only seniority to claim promotion. Second Party admittedly failed in oral examination. He did not pass in the interview and when he was not declared pass, he cannot be promoted on the post of Record Clerk.

6. To support that, 2nd Party filed an affidavit at Exhibit 17 where he reiterated his first date of appointment on the post of Hamal stating, what position was achieved by him in his employment. He also states that, if he would have been promoted, he would have got much more salary, basic and total amount. He states that, purposely his claim was denied and as a result of that he suffered loss of 7-9 increments. He states that, his juniors were promoted. In cross he states that, he was to get 6 increments, however, none of those were given to him. According to him his dispute is not related to normal increments. He states that he was to get promotion in July, 1991 as Record Clerk which is Class III post. His grievance is that, he was actually entitled for promotion in the post of Record Clerk in 1971

itself and might have got 6 increments. He admits that, he did not get any of the increments. He admits that, he filed application before the Management about said grievance which was rejected by the Management. He admits that, he did not challenge said decision. He states that, in 1991 he was promoted. However, no benefit was given to him since he had already reached the highest scale. According to him, he was not promoted in fitment promotion and it was not given as per the terms and conditions. He admits that, he failed in the oral interview. He admits that, he is aware of MOU of 1971 regarding promotion of Class III and Class IV. He admits that, he relied on page 35 of Staff Regulation 1963 which was modified upto 1983 and he also relied on Terms and Conditions of Service Rules, 1985 (page 5). He admits that, he was served with chargesheet in 1983 which was given on account of his misconduct and the said reference is still pending in this Court.

7. Whereas 1st Party has examined its witness at Exhibit 19 and denied the claim of the 2nd Party. In the cross also he did not give any admission except admitting that, oral test was not applicable to the promotion of Record Clerk.

8. If we peruse the evidence given by 2nd Party with Exhibit 14 page 26 we find that he produced copy of some document regarding the method of selection and for selection of candidates by seniority and was followed. He also points out no oral interview would be there. However, it is pertinent to note that, it is not made known from where this document came? Page 26, whether it is circular or otherwise from which said document is brought on record by the 2nd Party and it is nowhere mentioned that, oral interview is not applicable. It is stated that, no interview will be applicable. However, 2nd Party admits that, written test was taken. Number of candidates appeared, and even he appeared for he said oral interview and though he passed written test, he failed in his oral interview. So question arises whether this page is pertaining to same subject matter on which 2nd Party rely or is a document from any other record? Apart from that, 2nd Party is challenging the decision taken by the 1st Party of taking oral interview and his declaring him fail in it. In fact that ought to have been challenged before Competent Authority. This subject is not there. In the reference of not awarding 3 increments to the 2nd Party is the subject matter of the reference and it does not cover the subject matter of oral interview conducted by the 1st Party in promoting employees on the post of Record Clerk. If at all 2nd Party wants to challenge the decision of the 1st Party of taking interview, either oral or written for the post of Record Clerk, it ought to have the subject matter of the Schedule and ought to have been in the reference. However, here the subject in reference is whether the action of the management of Life Insurance Corporation of India in not granting three increments to Shri S. V. Desai is just and proper? That means the subject

34446/06-24.

matter of the reference is only granting 3 increments. In statement of claim he goes on exceeding said increments from 3 to 7 and in some places 9. Here question arises how many increments 2nd Party was entitled to get and in respect of which increments he is having grievance? Admittedly 2nd Party was not selected because he failed in the oral interview. That fact is not disputed by him. Though 1st Party witness admits that, it is not necessary to have oral interview for the post of Record Clerk, still it is not proved by any documents. So if we consider that in respect of this workman only, then it will affect on careers of other employees who have been promoted by 1st Party who appeared for the interview and who have been selected in it, when those are not made party here, and no details are given by the 2nd Party, in my considered view, grievances of the 2nd Party alone only on that point, cannot be considered at this juncture in this reference.

9. Number of citations are produced by the 1st Party's representative with his written submissions at Exhibit 22. Copy of Supreme Court Judgment published in (2001) 1 SCC p. 133 (Balbir Singh Vs. Punjab Roadways and Anr.) is produced to show that, the claim is made after a long time and on that, count such a claim should be rejected. But here I think the said citation of the Apex Court does not give any directions to the Court not to use such a discretion as expected by the 1st Party's representative. The citation produced at Serial No. 4 is the same with regard to as at Serial Nos. 6, 7, 8, 9 and 10. 1st Party's representative has produced copies with his written statement without pointing out in what way those help it in maintaining its decision regarding 2nd Party.

10. In view of the discussions made above I conclude that claim of the 2nd Party to give him 3 increments has no meaning. So I answer the above point accordingly and pass the following order:

ORDER

Reference is rejected with no order as to its costs.

Mumbai,
8th August, 2006.

A. A. LAD, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4376.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एनाकुलम के पंचाट (संदर्भ संख्या आई. डी.-17/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/198/2005-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I. D. 17/2005) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Federal Bank Limited and their workman, which was received by the Central Government on 18-10-2006.

[No. L-12012/198/2005-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P.L. Norbert, B. A., LL.B., Presiding Officer

(Tuesday the 10th day of October, 2006/18th Asvina,
1928)

I. D. 17/2005

PARTIES:

Shri K. K. Sunny,
Represented by the General Secretary,
Federal Bank Employees' Union,
Central Office,
Aluva-683101 ... Workman

Shri C. Anil Kumar—Advocate

The Chairman,
The Federal Bank Limited,
Head Office,
Federal Towers,
P. B. No. 103,
Aluva-683101 ... Management

Shri P. Sankaranarayanan—Advocate

AWARD

This is a reference made by Central Government under Section 10(1)(d) of Industrial Disputes Act, 1947 for adjudication. The reference is:

"Whether the action of the Federal Bank Ltd. to impose punishment of compulsory retirement with superannuation benefits to Shri K. K. Sunny, Bankman (Sub-Staff cadre) is justified? If not, to what relief the workman is entitled?"

2. Notices were given to both sides and they entered appearance and filed their pleas. The following are their contentions:—

According to the workman, Shri K. K. Sunny he was a Bankman (Sub-staff) in the Kolencherry Branch of the Federal Bank. He was given show-cause notice on 18-12-2002 alleging that he was in the habit of sending anonymous letters maligning the character of other members of staff of the bank. The workman submitted an explanation denying the allegations. A domestic enquiry was conducted and he was found guilty of the charges. A loyal officer of the management was the Enquiry Officer. The enquiry was conducted in violation of principles of natural justice. No independent witnesses were examined. He was not given proper opportunity to prove his innocence. The findings of the Enquiry Officer are perverse and not based on any reliable materials. The Enquiry Officer was biased and was acting under the instruction of the management. The Disciplinary Authority without properly analyzing the evidence in the enquiry and applying his mind to the past clean record of the worker imposed a punishment of compulsory retirement with superannuation benefits. The punishment is shockingly disproportionate to the charges. The workman is without employment ever since his dismissal from service. He is entitled to be reinstated.

3. According to the management since the workman was in the habit of unnecessarily raising allegations against the officers of the bank and maligning the reputation he was chargesheeted. Prior to that, the vigilance department had conducted a vigilance investigation. The vigilance enquiry had disclosed that the allegations in the anonymous letters were false and had no basis. The domestic enquiry was conducted in full compliance with the principles of natural justice. The workman was permitted to be defended by the Vice-president of the union. The workman and the defence representative had participated in the domestic enquiry throughout. The management witnesses were cross-examined by the defence. Though opportunity was given to the workman to furnish defence evidence, no witness was examined and no document was produced. Based on the evidence the Enquiry Officer found the workman guilty of the charges. The misconduct proved against the workman is grave in nature. A copy of the findings of the Enquiry Officer was furnished to the workman and after hearing him the Disciplinary Authority imposed the punishment of compulsory retirement with superannuation benefits. The workman had filed an appeal. But the appellate authority turned down his appeal. The past record of the workman is not at all satisfactory. He was once dismissed for misconduct and on appeal, on humanitarian ground, the punishment was reduced to stoppage of 5 increments with cumulative effect. The

findings and punishment in the present case are only to be upheld.

4. The enquiry file was marked as Ext. M1 on the side of the management. No evidence was adduced on workman's side. Both sides were heard.

5. The points for consideration are :

- (1) Whether the domestic enquiry is valid ?
- (2) Whether the punishment imposed is proper ?

6. Point No. (1) :

Though the workman in his claim statement had contended that the Enquiry Officer had not followed the principles of natural justice and the findings are perverse, at the time of hearing the learned counsel for the workman fairly conceded that this contention of the workman need not be gone into as the validity of enquiry is now admitted. Therefore I do not propose to go into the aspect of validity of enquiry.

7. Point No. (2) :

The charges levelled against the workman are :

- (1) that he had sent an anonymous letter to the Manager of Manjeri Branch stating that the Assistant Manager Shri K. Hamsa had illegal relationship with lady staff members of that branch;
- (2) that he had sent another anonymous letter to the wife of Shri C. V. John, a Bankman of Chaliyam Branch stating that Shri C. V. John was roaming round in the town in auto rickshaw along with a lady staff of Chaliyam Branch;
- (3) that he had sent an anonymous letter to the vigilance department of the bank stating that Shri C. V. John, Bankman of Chaliyam Branch had secured employment in the bank in 1986 by producing false documents. At that time Shri C. V. John had already passed S. S. L. C. examination. Such candidates were not eligible for appointment as Bankman in 1986. Suppressing this fact he had secured the job.

In the domestic enquiry it was revealed that the 1st and 3rd allegations were without any basis and that anonymous letters containing the allegations mentioned in charges 1 and 3 were sent by the workman. The vigilance department had enquired into the allegations in the anonymous letters and found that the allegations were false and had no basis. On the basis of the materials produced before the Enquiry Officer it was found that the workman was guilty of the charges 1 and 3. However the 2nd charge was held not proved before the Enquiry Officer as the anonymous letter received by the wife of Shri C. V. John was not produced before the Enquiry Officer. It is

mentioned in the report that the letter was destroyed by the wife of Shri C. V. John as soon as it was received by her.

8. The misconduct as per charges 1 and 3 are gross misconduct of acting prejudicial to the interest of the bank. The Disciplinary Authority proposed a punishment of dismissal without notice. But after hearing the workman considering his family background and the sickness of his wife the Disciplinary Authority imposed a punishment of compulsory retirement with superannuation benefits. The workman filed an appeal before the Appellate Authority, but was dismissed. Since the enquiry is valid, the workman can only challenge the proportionality of the punishment. The Disciplinary Authority considering the intrinsic nature of misconduct which was likely to affect the entire staff of the bank and the damaging nature of allegations, imposed the aforesaid punishment. Besides, the Disciplinary Authority had also taken into account the past record of the workman. There was another disciplinary action in the past on the charge of stealing the key bunch of Smt. Molly R. Hormis, Manager (Admn.), Aluva Branch. The Disciplinary Authority in that case had dismissed him from service. In appeal taking a lenient view, the punishment was modified and limited to barring of 5 increments with cumulative effect. Taking the past conduct and the present misconduct, the punishment of compulsory retirement with superannuation benefits was imposed on the workman. It was contended on behalf of the workman that the previous action against the workman was not for similar offence. There is no merit in the contention. The previous misconduct was one of stealing keys of an officer and it involved moral turpitude. The present misconduct is that he was spreading slander against officers and staff of the bank without basis. It affects and damages the reputation of the bank as well as its staff. The enquiry report shows that the workman is a scandal-monger. Serious allegations were raised against bank officers on three occasions. The bank cannot take it lightly. In the enquiry two such instances were proved. The Disciplinary Authority instead of dismissing, imposed a punishment of compulsory retirement with superannuation benefits.

9. There is a catena of decisions which lay down the principle that unless the punishment is shockingly disproportionate to the degree of guilt, the court shall not modify or reduce it. But suffice to cite one of the decisions. In *Life Insurance Corporation of India Ltd. Vs. R. Dhanapani* 2006-1-L.L.J. 329, the Hon'ble Supreme Court in paragraphs 8, 9 and 10 has observed that the power u/s. 11-A of I. D. Act has to be exercised judiciously and unless the punishment imposed is shockingly disproportionate to the degree of guilt of the workman concerned, the Labour Court or Industrial Tribunal shall not interfere. It is profitable to extract the relevant paragraphs.

"8. It is not necessary to go into in detail regarding the power exercisable under Section 11-A of the

Act. The power under said Section 11-A has to be exercised judiciously and the Industrial Tribunal or the Labour Court, as the case may be, is expected to interfere with the decision of a management under Section 11-A of the Act only when it is satisfied that punishment imposed by the management is wholly and shockingly disproportionate to the degree of guilt of the workman concerned. To support its conclusion the Industrial Tribunal or the Labour Court, as the case may be, has to give reasons in support of its decision. The power has to be exercised judiciously and mere use of the words 'disproportionate' or 'grossly disproportionate' by itself will not be sufficient.

9. In recent times, there is an increasing evidence of this, perhaps well-meant but wholly unsustainable, tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the Courts must be seen to be logical and tenable within the framework of the law and should not incur and justify the criticism that the jurisdiction of the Courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal findings and the judicial results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy of the process will eventually lead to mutually irreconcilable situations and denude the judicial process of its dignity, authority, predictability and respectability. (See Kerala Solvent Extractions Ltd. V. A. Unnikrishnan and Anr., 1994-II-LLJ-8889SC).

10. Though under Section 11-A, the Tribunal has the power to reduce the quantum of punishment it has to be done within the parameters of law. Possession of power is itself not sufficient; it has to be exercised in accordance with law."

10. There is no dispute that the misconduct alleged is a gross misconduct and the punishment imposed is one of the punishments for gross misconduct. Clause 19.5 of 1966 Bipartite Settlement (1st Bipartite Settlement) refers to gross misconduct and clause 19.6, to punishment for gross misconduct. Sub-clause (a) of Clause 19.6 provides for 'dismissal without notice'. As per Bipartite Settlement dated 10-4-2002, clauses with regard to disciplinary action and procedure were modified and earlier provisions were superseded and substituted by 2002 Settlement (page 561

of Bipartite Settlement, published by M/s. H. P. J. Kapoor, 12th edition 2005). As per 2002 Settlement Clause 5 refers to gross misconduct and clause 6, to punishment for gross misconduct. Sub-clause (c) of clause 6 speaks of compulsory retirement with superannuation benefits.

11. The allegations in the anonymous letters sent by the workman have brought discredit and bad repute to an officer and staff of the bank. It is bound to affect the morale of the bank staff as a whole. The workman has a tendency to sling slur on his co-workers. Unless the management is able to contain such character assassination it is likely to generate ripples of discontent and resentment among the staff. The past of the workman is not clean. He was indicted once for stealing the bunch of keys of Administration Manager. Deterrent punishment is necessary to bring order and discipline in the bank. The penalty of compulsory retirement with superannuation benefits is certainly not disproportionate to the gravity of the guilt. No interference is called for in the circumstances.

12. In the result, an award is passed finding that the action of the management in imposing the punishment of compulsory retirement with superannuation benefits against the workman, Shri K. K. Sunny, Bankman, is legal and proper. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 10th day of October, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union :

Nil

Witness for the Management :

Nil

Exhibits for the Union :

Nil

Exhibits for the Management :

MI—Domestic Enquiry File.

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4377.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या आई. डी.-28/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-41012/211/2003-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4377.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 28/2004) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Northern Railway and their workman, which was received by the Central Government on 18-10-2006.

[No. L-41012/211/2003-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla, Presiding Officer

I. D. No. 28/2004

Ref. No. L-41012/211/2003-IR(B-I) dated 20-2-2004

BETWEEN:

The Divisional Organization Secretary,
Uttar Railway Karamchari Union,
283/63,
Kha Garhi Kanaora (Premwati Nagar),
PO Manaknagar,
Lucknow-226001

AND

The Sr. Divisional Mechanical Engineer,
Northern Railway, DRM Office,
Hazratganj,
Lucknow-226001.

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute vide No. L-41012/211/2003-IR(B-I) dated 20-2-2004 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow:

“क्या प्रबंधन, उत्तर रेलवे, लखनऊ द्वारा श्री प्रताप बहादुर पुत्र श्री मोती लाल, डीजल सहायक को वर्ष 1983-84 के पैनल में समायोजित न करके वर्ष 1991-92 के पैनल को समायोजित करना उचित तथा न्यायसंगत है ? यदि नहीं, तो कर्मकार किस अनुतोष को पाने का हकदार है ?”

The trade union has filed the statement of claim stating therein that worker was appointed as substitute cleaner on 20-6-78 in the Loco Shed, Charbagh, Lucknow

and worked till 3-9-81 thereafter he was illegally terminated on 4-9-81. Against the illegal termination a dispute was espoused and the same was registered as I. D. 48/83 in CGIT-cum-Labour Court, Kanpur. The Presiding Officer of the CGIT-cum-Labour Court, Kanpur reinstated the worker with back wages. Worker was in the meantime reinstated on 3rd August, 1983 and the railway administration appointed all those workers who were juniors to Sri Pratap Bahadur on the post of cleaner and others and they were regularised after screening on 6-8-84. However, worker Pratap Bahadur was deprived on the said regular appointment although he completed 1197 days service till 3-9-81. In spite of this fact the worker was not called for empanelment which was in violation of the provision of Industrial Dispute Act. It is further contended by the trade union that the other workers who were concerned with the award passed in I. D. No. 48/83 Amarjit Singh and Abdul Aziz have been directed to be empanelled by the Central Administrative Tribunal, Lucknow ordered vide No. 26-4-93 and 25-4-01 in the panel of 1983-84. Similarly Chandra Mohan vide award passed in I. D. 101/2000 on 9-10-2001 by CGIT-cum-Labour Court, Lucknow has been adjusted in the panel of 1983-84 with all consequential benefits, above his juniors. Therefore Pratap Bahadur is also entitled to empanelment in the panel of year 1983-84.

The trade union has filed following documents :

1. Award passed in I. D. No. 48/83 between Zonal President Railway Karamchari Union Vs. DRM, NR, Lucknow in respect of 207 workers.
2. List of workers which was submitted in I. D. No. 101/2000 in respect of the worker who were called for empanelment.
3. Letter No. 220E/1-5/Screening/82-83 dt. 6-8-84 addressed to DME, DRM Office Lucknow regarding screened worker list.
4. Letter No. E/1-5/3/92 CAT, Lucknow dt. 30-9-93 addressed to Amarjit Singh.
5. Copy of order passed in OA No. 466/91(L) Amarjit Singh Vs. Union of India dt. 26-4-93 by Central Administrative Tribunal.
6. Copy of order passed in OA No. 510/93 in Abdul Aziz Vs. Union of India dt. 25-4-2001.
7. Copy of award passed in I. D. 101/2000 between Divn. Secretary, URK Union Vs. Sr. DPO, NR, Lucknow by CGIT-cum-Labour Court, Lucknow dt. 9-10-2001.

Opposite has filed written statement wherein the opposite party has denied the claim. It has been alleged in the written statement that Pratap Bahadur previously got appointment by fraudulent means and the railway

administration terminated the services of workman along with other thousands of workmen engaged in Loco Shop Charbagh, Lucknow and the case was referred to the vigilance of railway for enquiry and action. The date of termination was on 4-9-81 against which the workmen along with other similarly situated workmen filed an I. D. No. 48/83 before CGIT-cum-Labour Court, Kanpur, it was allowed and the railway administration preferred a writ petition before Hon'ble High Court, Lucknow Bench, it was also dismissed. Further it is stated by the opposite party that Pratap Bahadur was appointed as Cleaner on 3-12-83 and since the workman was appointed on 3-12-83 so that no question arise to screen in the panel of the year 1982-83. The workman claim is not sustainable in eye of law because the claim is highly delayed and time barred. Opposite party has admitted that Amarjit Singh and Abdul Aziz file O. A. 466/91 and 510/93 before Central Administrative Tribunal, Lucknow respectively and got the judgement in their favour. The railway administration preferred the writ petition against the workman Abdul Azeez which is pending till date. It is also submitted that one of the workman Chandra Mohan filed I. D. No. 101/2000 and got the award in his favour from CGIT-cum-Labour Court, Lucknow against which the railway administration preferred a writ petition before Hon'ble High Court, Lucknow which is pending till date. It is alleged that the claim statement as well as reference is bad in eye of law and is liable to be rejected. In additional plea the opposite party has submitted that some of the workmen along with present workman was genuine and therefore they were provided the service on 3-12-83 on the post of Cleaner. The railway administration provided the promotion of II Fireman to Pratap Bahadur here in claimant in year 1993 (2-9-93) and further the railway administration promoted on 20-5-96 as Diesel Asstt. The name of the workman Pratap Bahadur is placed at Sl. No. 341 of provisional combined seniority list of Sr. Diesel Asstt. and Diesel Asstt. issued by Divisional Railway Manager vide letter dated 16-4-2000. It is further alleged that the judgement cited with the claim statement by workman are not binding upon the Tribunal because the CGIT-cum-Labour Court, Lucknow is not subordinate to Central Administrative Tribunal. Similarly the judgement passed by the CGIT-cum-Labour Court, Lucknow in I. D. 101/2000 has no binding effect upon the tribunal. The railway administration aggrieved by the judgement of CGIT-cum-Labour Court, Lucknow preferred the writ petition which pending and the judgement is underchallenged. The workman Pratap Bahadur was appointed in the year 1983 and got all the benefits of promotion as well as pecuniary benefits but due to mala fide intention preferred present Industrial Dispute which is highly belated. The reference is also defective because the screening was conducted in year 1982-83 but in reference as well as the claim statement workman seeks the reliefs mentioning the panel of 1983-84 which is absolutely wrong. There is no industrial dispute between the workman and the railway administration. It is

only the thought of office bearer of unrecognised union which has no locus standi to espouse the cause of Pratap Bahadur.

The trade union has filed the rejoinder wherein the trade union has alleged the claim is not time barred as there is no time limit for raising industrial dispute. It is also denied by the trade union that the reference order is bad. It is also alleged that trade union has right to espouse the claim and the CGIT-cum-Labour Court is competent to pass the award.

The opposite party has filed the provisional seniority list with application C-20.

The workman has examined himself and the opposite party has examined Sri Krishna, Office Supdt. to Establishment Section, DRM Office, Northern Railway, Lucknow.

The trade union representative has filed the photocopy of judgement passed by Hon'ble High Court, Lucknow bench, Lucknow in writ petition No. 68/02(SB) Union of India and Another Vs. Abdul Aziz and Another dt. 20-3-06.

The trade union has also filed the order passed by the Hon'ble High Court, Lucknow in the review petition No. 129/06. The Union of India and Another Vs. Abdul Aziz dt. 29-5-06.

I have already heard the parties at length on several dates and carefully perused the records.

According to the pleadings of the parties following facts are undisputed :

1. The opposite party has not denied that worker Pratap Bahadur was not appointed on 20-6-78 as substitute cleaner in Loco Shop, Northern Railway, Lucknow and the worker Pratap Bahadur completed 1197 days work till 3-9-81. Therefore it is not disputed that the worker was appointed a substitute cleaner on 20-6-78 in Loco Shop, Northern Railway, Lucknow and he worked 1197 days till 3-9-81.
2. It is also not disputed that the workman was terminated on 4-9-81.
3. It is also not disputed that Zonal Working President, Northern Railway Karamchari Union, Lucknow espoused a Industrial Dispute No. 48/83 before CGIT-cum-Labour Court, Kanpur against DRM, Northern Railway, Lucknow for 207 workers including Pratap Bahadur for illegal termination dt. 4-9-81 and the award was passed on 1-1-87 in favour of the workman.
4. It is also not disputed that one of the worker cited in the case I. D. No. 48/83 filed a OA 466/

91(L) before Central Administrative Tribunal, Lucknow for empanelment in the panel of the year 1982 when the worker was not screened and other workers screened. The order was passed in favour of Amarjit Singh by the Central Administrative Tribunal on 26-4-93.

It is also not disputed one of the worker filed OA 510/93 before Central Administrative Tribunal, Lucknow against the railways for empanelment and opposite party was directed to include the name of the workman in the panel framed on the basis of screening held in the year 1982 and the order was passed in favour of the worker on 25-4-01.

It is also not disputed that one of the worker espoused a Industrial Dispute 101/2000 before CGIT-cum-Labour Court, Lucknow between Divl. Organisation Secretary Vs. Sr. DPO, Northern Railway, Lucknow for seniority panel of 1983 and the award was passed on 9-10-2001 in favour of the workman Chandra Mohan.

Railway filed writ petition No. 68/02 before Hon'ble High Court, Lucknow against Abdul Aziz aggrieved from the order of Central Administrative Tribunal, Lucknow dated 25-4-01 and the same was dismissed on 20-3-06.

Aggrieved from the above order railway has filed review Petition No. 129/06 before Hon'ble High Court, Lucknow and the same was also dismissed on 29-5-06. Although the opposite party has alleged in para 2 of the Written Statement that the workman previously got appointment by fraudulent means and the railway administration terminated the services of the workman alongwith other thousands workmen engaged in Loco Shop, Charbagh, Lucknow and the case was referred to railway vigilance for enquiry. In para 8 of the same it is stated that railway administration after search and found that some of the workmen alongwith present workman was genuine one and provided him services w.e.f. 3-12-83 on the post of cleaner. This goes to show the worker did not obtain the fraudulent appointment.

The workmen has sought empanelment of 1983-84 on the ground that his juniors were given empanelment and he was deprived and therefore he is requested that he should be empanelled over his juniors.

It is interesting to observe that CGIT, Kanpur passed award in favour of the worker on 1-1-87 and the railway administration before passing of the award appointed Pratap Bahadur in the year 1983. The witness of the opposite party has admitted that had the worker not been terminated on 4-9-81 his name ought to have been empanelled in the

year 1983-84. The extract of the witness Sri Krishna of the opposite party is reproduced below :

“कर्मकार प्रताप बहादुर 1981 के पहले Casual वर्कर के रूप में काम कर रहा था इसलिये 1983 में CGIT-cum-Labour Court, कानपुर के निर्णय के पहले प्रताप बहादुर को काम पर रख लिया गया। यदि 1981 में निकाला न होता तो 1983-84 के पैनल में उसका नाम जरूर आता।”

Therefore the admitted position is that had the worker been not illegally terminated, he ought to have empanelled in the year 1983-84.

Now it is not disputed that the worker was illegally terminated on 4-9-81 and he was reinstated by the opposite party on 3-12-83. Had he not been illegally terminated he could have been empanelled. The only question arises now that whether the worker should be punished for his illegal termination. It is needless to mention that his juniors Nathu Ram Shukla was called for screening in the year 1983-84 but the worker was not called. The worker has also stated in his examination in chief that Amarjit Singh was empanelled as per the orders of CGIT-cum-Labour Court, Kanpur. In the contest of the present the order of Hon'ble High Court passed in writ petition no. 68/02(SB) which is on the record is material “Once the termination order has been held to be void and has been set aside with the specific direction that the respondent shall be reinstated in service with full back wages, his continuity in service cannot be taken away nor he can be treated as a new appointee of fresh appointee after passing of the order by Labour Court, which was confirmed by the High Court. Reinstatement in the aforesaid circumstances would necessarily mean continuous service from the date of appointment, in this case initial engagement, unless of course, there were some directive to the contrary by the court. The respondent had been taken into service only because of the order passed by Labour Court, confirmed by the Hon'ble High Court and therefore he was entitled to have all the consequential benefits arising out of the orders passed by the court. The termination order having been quashed, the respondent would also be entitled to seniority and consequential fixation of wages and salary etc.”

On the discussions above I come to the conclusion that the action of management in not empanelling the worker Pratap Bahadur in the panel of 1983-84 is not proper and justified and therefore issue is decided against the management of railway and the worker is entitled to be empanelled in the panel of 1983-84 after complying due procedure within a month from passing of the award and the management of opposite party is directed to make all consequential benefits to the worker Pratap Bahadur which accrued the workers junior to him. Award passed accordingly.

9-10-2006

Lucknow

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4378.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हाड़ौती क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा (राजस्थान) के पंचाट (संदर्भ संख्या 2/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/183/2002-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4378.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (2/03) of the Industrial Tribunal/Kota (Rajasthan) now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hadoti Kshetriya Gramin Bank and their workman, which was received by the Central Government on 18-10-2006.

[No. L-12012/183/2002-IR (B-I)]
AJAY KUMAR, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

के. के. गुप्ता, आर. एस. जे. एस.—पीठासीन अधिकारी

रैफ्रेन्स प्रकरण क्रमांक : ओ. न्या./केन्द्रीय/2/03

दिनांक स्थापित : 1-1-03

प्रसंग :

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल-12012/183/2002-आई आर/(बी-1) दिनांक 10-12-02

रैफ्रेन्स अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

कपूर चन्द गुप्ता द्वारा जनरल सेक्रेटरी, हाड़ौती क्षेत्रीय ग्रामीण बैंक एम्प्लॉईज यूनियन, राज. स्टेट बैंक एम्प्लॉईज यूनियन ऑफिस, बैंक आफ राज. के सामने, रामपुरा बाजार, कोटा।

... प्रार्थी श्रमिक

एवं

प्रेसीडेंट, हाड़ौती क्षेत्रीय ग्रामीण बैंक, मेन ऑफिस 9ए, जी झालावाड़ रोड, कोटा ... अप्रार्थी नियोजक

उपस्थित :

प्रार्थी श्रमिक की ओर से प्रतिनिधि : कोई उप. नहीं

अप्रार्थी नियोजक की ओर से प्रतिनिधि : श्री वनित गुप्ता

अधिनिर्णय दिनांक

: 19-9-06

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने उक्त प्रासंगिक आदेश दिनांक 10-12-02 के जरिये निम्न रैफ्रेन्स, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से संबोधित किया जावेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

"Whether the action of the management of Hadoti Kshetriya Gramin Bank, Kota (Raj.) in stopping three increments vide bank's letter dated 21-06-1999 in respect of Shri Kapoor Chand Gupta is legal and justified ? If not, what relief the Claimant is entitled ?"

2. रैफ्रेन्स, न्यायाधिकरण में, प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत् रूप में जारी की गयी जिस पर दोनों पक्षों की ओर से अपनी-अपनी उपस्थिति दी गयी।

3. प्रकरण पत्रावली के अवलोकन से प्रकट होता है कि यह पत्रावली दिनांक 4-6-03 से क्लेम प्रार्थी हेतु नियत होती रही है और उनकी ओर से बराबर समय चाहा जा रहा है। दि. 16-3-06 व 26-7-06 को प्रार्थी पक्ष को क्लेम पेश किये जाने हेतु अन्तिम अवसर दिया गया है तथापि उनकी ओर से कोई क्लेम पेश नहीं किया गया है। आज भी स्वयं प्रार्थी अथवा उसकी ओर से कोई अधिकृत प्रतिनिधि न्यायालय में उपस्थित नहीं हुए हैं, ना ही उनकी ओर से कोई क्लेम स्टेटमेन्ट प्रस्तुत किया गया है, ना कोई युक्तियुक्त कारण ही क्लेम अब तक पेश नहीं किये जाने के संबंध में बतलाया गया है, ऐसी स्थिति में अब उनके क्लेम पेश किये जाने का अधिकार समाप्त किया जाता है। अप्रार्थी नियोजक की ओर से भी, प्रार्थी द्वारा कोई क्लेम अथवा साक्ष्य अभिलेख पर प्रस्तुत नहीं किये जाने के कारण, कोई जवाब व साक्ष्य प्रस्तुत नहीं करना प्रकट किया गया।

पत्रावली के अवलोकन से यह स्पष्ट प्रकट होता है कि प्रार्थी श्रमिक की ओर से सम्प्रेषित रैफ्रेन्स के संबंध में कोई क्लेम स्टेटमेन्ट प्रस्तुत नहीं किया गया है, ना ही कोई साक्ष्य प्रस्तुत की गयी है और वह अपने मामले को साबित करने में पूर्णतया असफल रहा है, ऐसी स्थिति में वह अप्रार्थी नियोजक से किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है और सम्प्रेषित रैफ्रेन्स को इसी प्रकार अधिनिर्णित कर उत्तरित किया जाता है।

के. के. गुप्ता, न्यायाधीश

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4379.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटक बैंक लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या सी. आर. 20/1991) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/69/91-आई आर (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (C. R. No. 20/1991) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Karnataka Bank Ltd. and their workman, which was received by the Central Government on 18-10-2006.

[No. L-12012/69/1991-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 5th October, 2006

PRESENT:

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 20/1991

Shri D. Basavarajaiah,
Opp. Govt. College,
5th Cross, B. H. Road,
Tumkur-570002,
Karnataka State

... I Party

The Chairman,
Karnataka Bank Ltd.,
Head Office,
Kodialbail,
Mangalore-575003,
Karnataka State

... II Party

APPEARANCES:

1st Party : Shri Natajara Ballal,Advocate

2nd Party : Shri Ramesh Upadyaya, Advocate.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute

34446/06-25

vide Order No. L-12012/69/91-IR. B-I dated 8th April 1991 for adjudication on the following schedule :

SCHEDULE

“Whether the management of Karnataka Bank Limited is justified in terminating the services of Shri D. Basavarajaiah by way of voluntary retirement, with effect from 23-10-1990 ? If not, to what relief he is entitled ?”

2. The case of the first party workman as made out in the Claim Statement to put in nut shell is that he joined the services of the management bank as a Clerk during January 1978 of Tumkur Someshwarapuram Branch and during June 1989 he was transferred to Sullia Branch, where he worked up till 23-10-1990 on which date he was terminated from services illegally. He worked diligently and honestly with unblemished service record throughout; that he was under medical treatment since February 1989 and after having been relieved at Tumkur Someshwarapuram Branch on 2-6-1979 reported for duties at Sullia Branch on 3-6-1979. On account of adverse weather conditions and depending upon the hotel food his health deteriorated further and therefore, he was forced to come back to his native place Tumkur on 6-9-1989 taking medical treatment for his ailment. He used to go to Sullia and worked there whenever his health permitted. He submitted medical certificates whenever he was on medical leave. He approached the company Doctor to get himself examined as per the directions of the management but the Doctor refused to examine him once on the ground that he had not taken prior appointment and for the second time he was made to wait for considerable length of time for which his health did not permit; that he was chargesheeted for his alleged unauthorized absence vide chargesheet dated 27-12-1989 and the management after having conducted a farce of enquiry imposed the punishment of stoppage of one increment vide order dated 21-9-1990. Thereafter, his services were terminated by order dated 23-10-1990 with immediate effect as “Voluntary retirement from service” which order is nothing but an order of dismissal without observing any procedure and without giving him any opportunity of hearing before passing of the said order. He contended that on almost all the occasions when he remained absent from duty he had applied for leave along with the medical certificates but the management failed to sanction leave rejecting his medical certificates on the ground that they were not issued by the Doctor nominated by the company and therefore, the action of the management in treating his absence as unauthorized absence for the period in question and then ultimately terminating his services as voluntary retirement is illegal, unjust and violative of the principles of natural justice liable to be set aside by this tribunal.

3. The management by its counter statement however, contended that the first party having been transferred to Sullia Branch by order dated 28-2-1989 joined at Sullia Branch on 3-6-1989 avoiding to work at the said branch on

the pretext of illness and without obtaining any leave as per rules. The management gave details of the alleged unauthorized absence of the first party at Para 4 of the Counter Statement as under :—

"He worked at Sullia Branch only for one day, i.e. 3-6-1989. He availed joining time from 5-6-1989 to 10-6-1989 as 4-6-1989 was Sunday. After working for one day on 12-6-1989, he once again applied for casual leave for four days from 13-6-1989 to 16-6-1989. Again after working for one day on 17-6-1989, he remained absent from 19-6-1989 continuously upto 29-8-1989 and reported duty for a day on 29-8-1989. This period was however sanctioned as leave, viewing the matter liberally. In spite of the liberal approach taken by the second party, the Petitioner once again started remaining absent from 30-8-1989 to 2-9-1989, it may be noted that 3-9-1989 and 4-9-1989 being holidays, he reported to duty for a day on 5-9-1989 and again remained absent from 6-9-1989 to 10-8-1990, except working for two days on 25-9-1989 and 26-4-1990. Hence it can be taken that his absence for 333 days from 6-9-1989 to 23-8-1989, 26-9-1989 to 25-4-1990 and again from 30-4-1990 to 10-8-1990, as unauthorized. It was treated so and no salary was paid to him for the said period as noted in the order dated 30-8-1990. He then repeated his modus operandi of reporting to duty for a day on 11-8-1990 and started remaining absent continuously for 71 days at a stretch from 13-8-1990 to 22-10-1990 (12-8-1990 being Sunday), till an order dated 23-10-1990 was passed by the Second Party, considering his absence as voluntary retirement from service as per the provisions of Bipartite Settlements.

4. At Para 5, it contended that his unauthorized absence was treated as a case of "Voluntary Retirement from service" as per the provisions of Bipartite Settlement. At Para 6, it contended that the first party failed to appear before the recognized doctor of the bank with regard to his alleged ailment and therefore, the medical certificates submitted by the first party not having been issued by the competent doctor nominated by the management company have not been considered by the management and his absence for a period of 404 days as noted above, has been treated as unauthorized absence without salary for the reasons stated in the orders dated 30-8-1990 and 23-10-1990. At Para 8 of the Counter Statement the management contended that by notice dated 23-5-1990 for the continuous absence of the first party for a period of more than 90 days from 11-9-1989 onwards, first party was called upon to report duty and when he did not respond to the said notice another notice dated 1-8-1990 was issued for his absence from duty from 30-4-1990 for more than 90 days calling upon the first party to report for duty within 30 days from the date of the receipt of the notice and in response to the said notice he reported for duty on

11-8-1990 for one day and then started remaining absent once again from duty from 13-8-1990 without any prior intimation and without sufficient grounds and therefore, the management having come to the conclusion that the first party had no intention to join duty, issued a registered post dated 12-9-1990 giving him further opportunity to report for duty within 30 days or else it would be deemed that he had voluntarily retired from service and his name would be struck off from the rolls of the bank without further reference to him. This registered notice was returned unserved though was sent to his last known address notified to the bank. Then the management published a notice dated 1-10-1990 in the newspaper on 6-10-1990 calling upon him to report for duty at Sullia branch on or before 22-10-1990. Since the first party failed to report for duty in spite of the notice, the management had no other alternative except to treat it as a case of 'Voluntary Retirement' and therefore, terminated his services by order dated 23-10-1990 in the light of the clause 16 of the Bipartite Settlement dated 10-4-1989. The management at Para 10, of the Counter Statement also contended that for the misdeeds committed by the first party in withdrawing a total sum of Rs. 2,85,000 on three different dates by using two withdrawal slips and one cheque slip of his cheque-book, a criminal complaint was filed against him and in the meanwhile the first party also had filed a false complaint before the consumer forum alleging that he did not withdraw any amount. However, after he approached the management and pressed for settlement, the disputes between them they were settled at the mediation of the lawyers of both the sides. The first party signed joint memo to close all the matters under dispute and after having filed the joint memo before the Consumer Forum got his complaint withdrawn. But as far as the present case is concerned, he backed out and failed to report settlement to this tribunal in order to make an unlawful gain for himself. At Para 11, the management contended that when the first party is having good income as an Estate Agent and therefore, question of his reinstatement in service did not arise so also he is not entitled to any back wages and therefore, reference is liable to be rejected.

5. During the course of trial (first round) the first party examined himself as WW1 and got marked 17 documents at Ex. W1 to W17 said to be the certificates issued appreciating and recommending his services for mobilizing deposits. He got marked documents at Ex. W18 to W51 said to be the leave applications and medical certificates. In his examination chief he reiterated the averments made in his claim statement that during the leave period he was not keeping well and he applied for leave along with medical certificates from time to time.

6. On behalf of the management, the then Manager, HR and IR Department of the bank at Mangalore was examined as MW1 and in his examination chief 10 documents were marked at Ex. M1 to M10. His examination

chief is just the replica of the various contentions taken by the management in its Counter Statement and therefore, may not be brought on record. I would like to refer to the relevant documents produced by the first party and the management and the statements of WW1 and MW1 in their cross-examination as and when found relevant and necessary.

7. After having taken into consideration the above said oral testimony and documentary evidence produced by the respective parties, my learned predecessor by his award dated 15-2-1999 rejected the reference imposing cost of Rs. 2,500 upon the first party with a liberty to the management to recover the same in accordance with Section 11(7) of the ID Act. It is aggrieved by this award, the first party filed Writ Petition No. 40401/99 and his Lordship of Hon'ble High Court by order dated 10-6-2005 set aside the award passed by this tribunal and remanded the matter back to this tribunal to consider oral and documentary evidence on merits and to pass appropriate orders.

8. After the remand, the learned counsel for the first party submitted his written arguments and advanced his oral arguments along with the learned counsel for the management. In his argument learned counsel for the first party once again repeated the various contentions taken by the first party in his claim statement and after having made reference to the oral and documentary evidence brought on record, further contended that the order terminating the services of the first party is bad and illegal and suffered from principles of natural justice as it was not preceded by any departmental enquiry with regard to the alleged unauthorized absence nor it was in accordance with the provisions of clause 16 of the Bipartite Settlement as tried to be made out by the management. He contended that undisputedly when the first party received the notice dated 1-8-1990 at Ex. M 9 calling upon him to report for duty, the first party immediately reported to duty on 11-8-1990. He contended that the notice dated 12-9-1990 as per Ex. M10 said to have been issued to the first party by registered post in the light of clause 16 of the Bipartite Settlement, undisputedly, was not served upon the first party and thereupon, a paper publication was taken on 6-10-1990 and it is before the expiry of the 30 days from the date of publication of the notice, termination order dated 23-10-1990 was passed and therefore, it was in violation of clause 16 of the Bipartite Settlement. He submitted that when there was no departmental enquiry held against the first party for his alleged unauthorized absence for the period in question and the termination order was not in accordance with clause 16 of the Bipartite Settlement, it is liable to be set aside as illegal, unjust and against the principles of natural justice.

9. Whereas, the learned counsel for the management vehemently argued that for his unauthorized absence from duty for a period of 333 days, a considered order

dated 30-8-1990 at Ex. M7 has been passed and by order dated 21-9-1990 at Ex. W48 for his unauthorized absence he was awarded punishment of stoppage of one increment with cumulative effect. He contended that the first party once again remained absent continuously for 71 days from 13-8-1990 till the impugned punishment order was passed on 23-10-1990. He submitted that in response to the notice at Ex. M9 dated 1-8-1990 for the unauthorized absence of the first party continuously for a period of more than 30 days, the first party reported duty on 11-8-1990 but remained absent from duty thereafter from 13-8-1990 continuously for a period of more than 71 days. Therefore, the management in accordance with Clause 16 of the Bipartite Settlement issued a notice dated 12-9-1990 at Ex. M9 by registered post and since it was returned unserved, it took paper publication of the notice on 6-10-1990 vide Ex. M11 calling upon the first party to report for duty within 30 days from 22-9-1990 and in case he report for duty must give satisfactory explanation for his absence failing which appropriate action will be taken. Since the first party did not respond to the said paper publication notice in reporting to duty within the period prescribed or given explanation for his unauthorized absence, the management had no alternative but to pass the impugned punishment order dated 23-10-1990 terminating his services as "voluntary retirement" from service in the light of clause 16 of the Bipartite Settlement. Now therefore, as per the case of the first party he remained absent from duty by submitting regular leave applications supported by medical certificates and therefore, management was not justified in treating the said absence period as unauthorized absence, that too, without holding any proper departmental enquiry into the matter and that termination order passed against him not being in accordance with clause 16 of the Bipartite Settlement is liable to be quashed as illegal and unjust. Whereas, it is case of the management that as far as absence of the first party for the period earlier to 13-8-1990 the management passed an order dated 30-8-1990, at Ex. M7 treating his absence from duty as unauthorized absence for a total period of 333 days and whereas, the period from 13-8-1990 onwards till the termination order was passed and for the earlier period of his unauthorized absence, there is again a reference in the impugned punishment order dated 23-10-1990 treating the absence of the first party from duty as unauthorized absence for a total period of 404 days. The next contention for the management is that they have complied with the provisions of Clause 16 of the Bipartite Settlement in terminating the services of the first party. The other contention of the management not to be lost sight was that the first party did not report for duty at Sullia branch immediately after having been relieved from duty on 28-2-1989 but reported for duty at the said branch on 3-6-1989 on the false pretext of illness. Now, therefore, as far as the contentions of the management that the first party disobeyed the orders of transfer and remained unauthorized absent from duty for a total period of

333 days, earlier to 13-8-1990 are concerned undisputedly there was no departmental enquiry and the order terminating services of the first party also is not based upon the aforesaid allegations of the management against the first party. Now the only relevant allegation and the contention of the management to be considered is whether the management terminated the services of the first party keeping in view the letter and spirit of the provisions of Clause 16 of the Bipartite Settlement. A reading of the above said clause makes it abundantly clear that 30 days notice is to be given to the employee concerned from the date of the service of notice to report to duty and show cause for his absence and only in the event of the employee failing to do both, the management gets authority and jurisdiction to terminate his services by way of 'abandonment of services' or as a case of deemed voluntary retirement. In the instant case when the notice at Ex. M10 dated 12-10-1990 which was said to have been issued to the first party in terms of the above said Bipartite Settlement, was undisputedly returned unserved, therefore, the management issued a notice dated 1-10-1990 by way of paper publication on 6-10-1990 and when there was no response from the first party to the said notice terminated his services by impugned punishment order dated 23-10-1990. A reading of the said paper publication at Ex. M11 as noted above, it can be seen that the management did not give a clear notice of 30 days in compliance of the terms of the Bipartite Settlement. As per the said notice the management called upon the first party to report for duty within 30 days from 22-9-1990, that means within 16 days from the date of publication of the notice which took place on 6-10-1990. That apart, the impugned punishment order undisputedly came to be passed on 23-10-1990 i.e. within 16 days of said notice. Whereas, as per the notice of 30 days prescribed under the said settlement the first party had a right to join duty before 5-11-1990 with satisfactory explanation for his absence as provided under the said clause of the Bipartite Settlement. Therefore, the order of termination passed on 23-10-1990 before the expiry of 30 days time from the date of publication of the notice by way of paper publication as argued for the first party on the face itself is illegal being in contravention of the very clause 16 of the Bipartite Settlement, the management takes shelter under. As far as the joint memo settling the dispute between the parties concerned, admittedly it was not filed before this tribunal and no orders are passed. It can be seen from the records that it is after the above said joint memo the management proceeded to file its Counter Statement thereby, making its mind clear that the parties have not acted upon the said joint memo. Therefore, in the light of the above, there can be no hesitation in the mind of the tribunal to come to the conclusion that the impugned order dated 23-10-1990 passed by the management in terminating the services of the first party is in violation of Clause 16 of the Bipartite Settlement dated 10-4-1989 and therefore, is illegal and void ab initio. Since the termination order is held to be illegal,

the natural corollary would be the reinstatement of the first party into the service of the management bank.

10. Now coming to the question of back wages, the first party in his cross-examination in no uncertain terms admitted that he has been nominated by the Government as a Director about 3 years back i.e. somewhere in the year 1996 as he was examined before this tribunal in the month of January 1999. In his examination chief the first party uttered no single word as to whether he is without employment during the period he was out of the service of the management. In his claim statement also the first party did not whisper a single word to the effect that he has not been gainfully employed after his services were terminated by the management. Although the burden primarily was cast upon management to show as to whether the first party has been gainfully employed in order to deny him the backwages, there was no evidence as such produced by the management on the point but as noted above, it has taken a contention in the Counter Statement that the first party has been gainfully employed as an estate agent while was away from the service of the management which contention was not disputed by the first party in his evidence. Therefore, taking into account above facts and his statement that he has been nominated as Director of Kalpatru Grameena Bank at Tumkur, it can be very well inferred that he has been gainfully employed when was out of the service of the management. Keeping in view the conduct of the first party in remaining absent from duty for a total period of 333 days earlier to 13-8-1990 and his period of absence being treated by the management as unauthorized absence of service without salary vide order dated 30-8-1990 for a period of 333 days at Ex. M7 and this order of the management not being challenged by the first party before any competent forum and in the light of the admitted fact that his leave applications were not sanctioned by the management on the ground that medical certificates were not issued by the competent doctor namely, the doctor nominated by the management, in my opinion, the first party also did not deserve the relief of continuity of service at least from the date of impugned punishment order till the date of his reinstatement in service. For the very same reasons, the application No. CGA 3/91 filed by him under Section 33(2) of the ID Act claiming salary for his above said absence period starting from 6-9-1989 onwards taken up along the present reference proceedings deserves no merit and therefore, is liable to be rejected. Accordingly reference is answered and following award is passed :

AWARD

The management is directed to reinstate the first party into its services to the post he held at the time of alleged impugned punishment order without back wages, continuity of service and other consequential benefits from the date of impugned punishment order till the date of his reinstatement in service subject to the condition that the

first party did not hold any office of the profit adverse to the interest of the management bank. No costs.

(Dictated to PA, transcribed by her corrected and signed by me on 5th October, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4380.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, झांसी के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या आई. डी.-35 ऑफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-41011/1/2002-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4380.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 35 of 2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Railway, Jhansi and their workman, which was received by the Central Government on 18-10-2006.

[No. L-41011/1/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI.SURESH CHANDRA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR**

Industrial Dispute No.35 of 2002

Surender Singh, President Rashtriya Chaturth Shreni
Rail Mazdoor Congress (INTUC), 43/16, Sector 16,
Sikandara, Agra, U. P.

AND

The Assistant Electrical Engineer (Workshop),
Central Railway, Jhansi.

AWARD

I, Central Government, Ministry of Labour, New Delhi, vide notification No. L-41011/1/2002/IR(B-I) dated 27-6-02 has referred the following dispute for adjudication to this tribunal :

KYA MADHYA RAILWAY JHANSI
PRABANDHAN DWARA KARMKAR SRI
SURENDRA KAILASIA PUTRA SRI LAXMAN
KO DINANK 4-7-95 SE, EVAM SRI RAM PAL

PUTRA MAHAVIR KO DINANK 4-7-95 SE BINA
KISI GHARELU JANCHKE SEWA NISHKASHAN
KARNA NYAYOCHIT HAI ? YADI NAHI TO
SAMBANDHIT KARMKAR KIS ANUTOSH KE
HAQDAR HAI ?

2. Case in brief as set up by the Union raising the instant dispute on behalf of the workmen involved in the reference is that they were working with the employers opposite party since 1993. During their services they acquired temporary status. The management called them to be appointed in the fourth class post of Khalasi in group 'D' category vide letter dated 22-4-99 and 30-3-99 respectively but instead of employing them on the permanent post, the management without issuing any pre-notice terminated their services w.e.f. 4-7-95 which is against rules prescribed. Since then both the workmen are out of employment and leading a very miserable life. It has also been alleged by the union that since the workmen obtained temporary status, their services could not have been terminated without holding departmental inquiry. On the basis of the above pleadings it has been prayed that the action of the management be declared as illegal and both the workmen be directed to be reinstated with full back wages and all consequential benefits.

3. As against it the opposite party railway management filed their written statement inter alia alleging therein that both the applicants had obtained employment as casual waterman for summer season in April, 1993 on the basis that they had already worked in railways at various stations so they may be taken now even as seasonal waterman. It has been denied that both workers had ever acquired temporary status. It has been admitted by the opposite party that both the workers were called for giving appointment in group 'D' category as Khalasi but on being inquired about their casual labour card which was found to be fake and forged they were not taken in the service of the opposite party. By way of additional plea it has been alleged that upon open enquiry it came to the light that the casual labour card of which the photocopy they had produced were never issued by the respective issuing authority and those were the photocopies of fake casual labour card as verified by the record of the concerned office which were found fake and forged and due above discovery of fraud they were not taken in the employment of the opposite party. In the end it has been prayed that the claim being devoid of merit the same is liable to be rejected.

4. Union has also filed rejoinder statement in which nothing new has been pleaded except reiterating the facts alleged by the union in the statement of claim.

5. Both parties lead oral evidence in support of their respective claims beside adducing oral evidence.

6. I have heard the arguments advanced on behalf of the opposite party and have carefully gone through the

records of the case. The authorised representative for the workman did not turn up in the case to argue the case.

7. So far the claim of the workmen for their reemployment in the year 1999 is concerned, the same cannot be adjudicated upon by this tribunal as the same is out of scope and ambit of the schedule of reference order. Moreover, in view of sub-section (4) of Section 10 of Industrial Disputes Act, 1947, Industrial Tribunal is required to travel within the scope of the terms of reference order and not beyond that. Therefore on this ground the claim for the reemployment is rejected.

8. It is worth to note that only Surendra Kailasiya entered into the witness box and adduced his evidence. In his statement on oath it has been admitted by the workman that he was engaged as waterman by the opposite party. He expressed his ignorance about the date and month of appointment as waterman. Worker has further stated that his services were dispensed with illegally w.e.f. 4-7-95 by the opposite party management without any departmental inquiry and without making payment of notice pay or retrenchment compensation. In his cross-examination the witness has admitted that in the year 1993 he simply worked for three months. In the year 1994 he worked for three months and he also admitted that in the year 1995 he worked for three months. Therefore, from the evidence of the workman it is quite evident that the workman had never worked continuously nor the worker had ever completed 120 days in one stretch. Thus it stands established that the worker had not acquired temporary status to entitle the benefit of MRCL under the opposite party railway.

9. So far other worker Ram Pal is concerned he cannot be allowed for the relief claimed as his case has not been supported by his evidence nor he ever entered into the witness box to support his case by way of leading his oral evidence before the tribunal. Therefore, it is held that Rampal is not entitled for any relief as claimed by him.

10. Having considered the entire facts and circumstances of the case, the tribunal is of the firm opinion that there was no need for the opposite party to hold any departmental inquiry in respect of the workers involved in the instant case as they never remained in the employment of the opposite party either on permanent basis or temporary basis. When it is established from the evidence of the workman that he worked as waterman under the opposite party during summer season for few months, his status cannot be stretched so as to mean a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. Moreover it is also established from the evidence of the workman that his engagement as waterman under the opposite party was for a fixed period and if terms of contract was not renewed by the opposite party in the year 1995 it cannot be said that the case of the workman is a case of retrenchment under Section 2(oo) of the I. D. Act in view of Section 2(oo)(bb) of the Industrial Disputes Act, 1947.

11. In view of above discussion, it is held that both the workmen are not entitled for any relief as claimed by them. Reference is therefore answered against the workers and in favour of the opposite party Railway Management of Jhansi.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर (उ. प्र.) के पंचाट (संदर्भ संख्या आई. डी.-31 ऑफ 98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/32/1997-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 31 of 98) of the Central Government Industrial Tribunal/Labour Court, Kanpur (U. P.) now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 18-10-2006.

[No. L-12012/32/1997-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR,
UTTAR PRADESH**

I. D. No. 31 of 98

Sri B. P. Mishra,
President, State Bank of India Karmchari Sangh,
K-46, Kidwai Nagar, Kanpur

AND

The Assistant General Manager,
State Bank of India,
Region 'I',
Mall Road, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. L-12012/32/97/IR(DU) dated 23-2-98 has referred the following dispute for adjudication :

"Whether the action of the management of State Bank of India, Kanpur in terminating the services of Sri Mohan Lal is legal and justified? If not, to what relief the workman is entitled?"

2. It is unnecessary to give full facts of the case as from the perusal of schedule of reference order it is quite clear that there is no mention of the date of termination of the services of the workman. Even if the tribunal on appreciation of facts and circumstances of the case together with evidence lead by the contesting parties is of the opinion that the action of the management is neither legal nor justified, then normal question which arises for consideration is as to from what date the workman be held entitled for the relief claimed by him. Therefore, in the absence of date of termination in the schedule of reference order it is held that the same is vague and on the basis of vague schedule of reference order the workman cannot be held entitled for any relief. It is therefore held that the workman is not entitled for any relief as claimed by him. Reference is answered accordingly against the workman.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4382.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं.-I, मुम्बई के पंचाट (संदर्भ संख्या सी. जी. आई. टी.-08 ऑफ 2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-2006 को प्राप्त हुआ था।

[सं. एल-41011/22/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th October, 2006

S.O. 4382.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-08 of 2004) of the Central Government Industrial Tribunal No. I, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 18-10-2006.

[No. L-41011/22/2003-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

PRESENT:

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-08 of 2004

PARTIES:

Employers in relation to the management of Central Railway.

AND

Their workmen.

APPEARANCES:

For the Management : Absent.

For the Workman : Mr. A. B. Mishra, President
of the Union

State : Maharashtra.

Mumbai dated the 5th day of October, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No. L-41011/22/2003/IR(B-I) dated 2-1-2004. The terms of reference given in the schedule are as follows:

"Whether the action of the management of Chief Workshop Manager, Central Railway, Parel Workshop, Parel, Mumbai in not conducting the enquiry in proper manner against Shri P. D. Raidas, JE-I is justified? If not, what relief Shri P. D. Raidas, JE-I is entitled to?"

2. Shri Raidas was working as Jr. Engineer (Inspection Manufacturing) in the pay scale of Rs. 5500-9000 (RSRP) under Chief Work Shop Manager, Parel, Central Railway as a permanent Railway servant. He was charge sheeted for misconduct for major penalty on 14-2-2000 for misconduct under Rule 9 of Railway Servants (Discipline and Appeal) Rules 1968 hereinafter referred to as RS (D & A). The domestic enquiry was initiated under rule 9 of RS (D & A) on the basis of some vigilance enquiry conducted in accordance with the Indian Railway Vigilance Manual. The workman has challenged that the domestic enquiry has not been conducted with fairness and in conformity to the principles of natural justice for the various reasons detailed in the statement of claim which has been filed on 20-4-2004.

3. The written statement has been filed by the Management of Central Railway through Sr. Personnel Officer, Chief Work Shop Manager Office, Parel, Mumbai. The reference has been contested on the ground that Mr. P. D. Raidas is not a workman and hence the reference is not maintainable. The reliance is based upon a judgment of CGIT-2 Mumbai in Ref. No. 2/217/99 of Shri Subrato Roy Section Engineer of Kalyan Loco Shed, Central Railway wherein the CGIT-2 held as follows:

"On going through the facts Shri Roy draws basic salary more than Rs. 2,450 and that his services are of essential category as discussed supra in para 9 in light of the observation made in the rulings, to my mind, Roy, Engine Examiner, a technical person, is not a workman under the definition of Section 2(s) of the Industrial Dispute Act and therefore the reference is not maintainable."

It has also been alleged that no Industrial dispute exists by passage of time since the disciplinary action has already been taken after holding the domestic enquiry in accordance with the rules and conformity to the principles of natural justice and Mr. Raidas has been reverted to the Junior Engineer Gr. II. The allegations made by Mr. Raidas to show that the enquiry is not just and fair and not in accordance with the principles of natural justice has been denied.

4. It is the admitted position that Mr. Raidas has filed the writ petition No. 243/2003 before the Honourable High Court of Mumbai and the same has been disposed by the Honourable High Court.

5. The first point for determination in this reference is as to whether Mr. Raidas is a workman or not. On this point I may state that there is no evidence on record to show that he is not a workman. He has categorically stated in his affidavit which has been filed in lieu of his examination in chief that he is discharging the duties of purely technical nature such as to measure the various dimensions of manufactured items and comparing the same with standard size/dimensions and to record the difference if any, and then put the same to SE/SSE (IM) for his perusal and decision thereof. He has been cross-examined on behalf of the Central Railway. In his cross-examination he has stated that he is working in Inspection manufacturing. He is not working as a Supervisor. He works all alone and reports about the work to Section Engineer and Section Superintendent. No employee works under him and he does not supervise the work of any other workman. He does not have the power to grant leave to any workman. No evidence whatsoever has been led by the Central Railway to suggest that Mr. P. D. Raidas is not a workman. The evidence of Mr. Raidas proves that he cannot be termed as Supervisor nor he can be said to have any Managerial work. He cannot be excluded from the definition of 'workman'. The judgement of CGIT-2 mentioned in Ref.-2/217/99 of Shri Subroto Roy, relied upon by Central Railway has already been set aside by the Hon'ble High Court. Hence, I hold that Mr. Raidas is a workman and the instant reference is not to be held as not maintainable for this reason.

6. The entire challenge has been made by the workman to have a decision that the domestic enquiry is not just and

fair and not in conformity with the principles of natural justice. Various allegations have been made to substantiate this plea to make the enquiry unjust and unsustainable. It is the admitted position that domestic enquiry has already been concluded and the penalty has been awarded to the workman for reversion. An appeal had been preferred by the workman to the Appellate Authority under the provisions of RS (D & A) and the same has resulted in dismissal. The penalty of reversion has been passed on 25-10-2002 and the appeal has been dismissed vide order dt. 27-2-2003. The present reference has been made by the Government vide order dt. 2-1-2004. Thus the aforesaid orders for imposition of penalties were in existence very much before the order of reference. I feel that it is not within the scope of this reference as to whether the domestic enquiry is in accordance with rules and principles of natural justice. Considering the terms of reference, quoted above, I feel that it would be beyond the scope of the reference. The attack made by the workman for challenging the domestic enquiry cannot be considered within the scope of terms of the present reference. The ground taken by the workman that the penalty had been imposed against the workman during the pendency of the conciliation proceedings before the concerned Labour Commissioner and hence, the question of propriety of the penalty and the domestic enquiry is merged within the terms of the present reference, cannot be accepted as correct. I feel that if the workman was aggrieved by the penalty, he should have raised the dispute and got the reference made from the Central Govt. accordingly. The terms of the reference may not be happily worded but the law is settled on the point that the Tribunal is not required to run beyond the terms of reference. The workman should have got the order of reference modified by issue of corrigendum. It is not clear on record as to whether any attempt in this regard was made or not. It may be made clear that the workman may do so at this juncture and approach the Central Govt. for a fresh reference regarding the validity of the punishment and this judgement would not come in between as a hurdle. The question as to whether the enquiry is just and proper or not and as to whether it is in conformity with the principles of natural justice or not is not considered in this reference.

7. A bare reading of the terms of reference makes it clear that no Court of law can justify the action of management of Chief Workshop Manager, Central Railway if the enquiry is not conducted in a proper manner. In fact, the terms of the present reference are funny. I have no option but to conclude that the action of the management in not conducting the enquiry in proper manner cannot be justified.

8. The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2006

का. आ. 4383.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर उ. प्र. के पंचाट (संदर्भ संख्या आई डी.-18/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/388/2001-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th October, 2006

S.O. 4383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 18 of 2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur, U.P. now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 19-10-2006.

[No. L-12012/388/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 18 of 2002

In the matter of dispute between :

Sri Vijai Singh C/o Sri M L Rakesh,
R/o 208 Vikas Colony Sasni Gate,
Aligarh

Versus

The Deputy General Manager,
State Bank of India,
Zonal Office,
Garh Road, Meerut

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide Notification No. L-12012/388/2001 IR (B-I) dated 27-2-02 has referred the following dispute for adjudication to this tribunal :—

“Kya State Bank of India ke Prabandhan ke Adesh Dinank 2-9-2000 ke Dwara Sri Vijai Singh ko Sewa se Barkhast Karna Nyayochit Hai ? Yadi Nahi to Sambhandhit Karmkar Kis Anutosh ka Haqdar Hai ?”

344461/06-26

2. The case of the workman in brief is that he was appointed under the opposite party State Bank of India, on 30-5-85. The workman while working at Bank's Surajpur Branch was placed under suspension vide memorandum dated 6-2-97, which was issued to him by the branch manager on the ground that under the instructions from the controlling authority he is being placed under suspension pending further inquiry in connection with non-deposit of Rs. 5,000 received by him on 3-12-96 from Sri Davendra Singh under acknowledgement in his Saving Bank Account No. 4/715. It is further the case of the workman that in his case the disciplinary authority was the Assistant General Manager Region-II, Zonal Office Meerut. The disciplinary authority issued chargesheet dated 27-1-98 to the workman and the workman submitted his reply to the chargesheet vide his letter dated 18-3-98. The workman after having been suspended was transferred to Khurja Branch of the opposite party bank from Surajpur Branch where the H. R. A and CCA payable to the workman was reduced in an arbitrary manner. The workman in his reply to the charge memo denied the charges levelled against him. It has been alleged by the workman that reduction in HRA and CCA and his transfer from Surajpur branch to Khurja Branch without holding any inquiry is a punishment. Sri B. K. Mittal was appointed as an Enquiry Officer to hold inquiry against the workman who recorded the proceedings of inquiry on loose sheets instead of a book as laid down in the Sashty Award therefore the enquiry officer has violated the rules of inquiry as provided in the service conditions. The enquiry officer committed manifest error of law when he examined and cross-examined the workman during the course of inquiry in the presence of bank witnesses and then the bank witnesses were made to contradict the deposition of the workman in violation of the procedure and also in violation of rules of natural justice. The illegal procedure adopted by the enquiry officer has caused prejudice to the workman and the workman was not afforded all reasonable and fair opportunity to defend himself before the enquiry officer. The workman made a request before the disciplinary authority for change of enquiry officer due to his bias and partisan attitude but all remained in vain. The workman had recorded his protest that the witnesses were being examined out of that against the established procedure but the disciplinary authority declined his request to change the enquiry officer vide letter dated 1-6-99. The bank's representative presented Sri Avnesh Kumar as his witness, without giving any prior notice to the workman and before he could be cross examined he was dropped as a witness. In the meanwhile witness addressed a letter dated 24-7-99 to the bank which was made a part of the enquiry proceedings. A sworn affidavit was also enclosed to the letter wherein it was deposed that the complaint was based on his misunderstanding and he did not have any complaint against any employee of the bank. Another witness of the bank had also addressed a letter dated 9-4-99 to the bank

and he too had enclosed a sworn affidavit with his letter. It has further been alleged by the workman that the enquiry officer recorded perverse findings against the workman basing the same on the deposition of the dropped witness Sri Avnesh Kumar and other extraneous considerations. The disciplinary authority did not provide the copy of the findings recorded against the workman for his observations thereon before considering the same for his decision in the matter. The workman was issued a tentative punishment order by the Disciplinary authority vide memorandum dated 11-5-2000 against which workman submitted his reply vide his letters dated 12-6-2000 and 19-6-2000. Workman was also granted personal hearing whereafter final orders were passed by the disciplinary authority imposing upon him the punishment of dismissal from the services of the bank without notice. The workman against the final orders passed by the disciplinary authority has also preferred an appeal before the appellate but that too could not find favour which ultimately culminated into its rejection. On the basis of the aforesaid pleadings it has been prayed by the workman that the action of the management of State Bank of India be declared illegal and unjustified and the workman be directed to be reinstated in the services of the bank with full back wages and against the opposite party management bank.

3. The opposite party State Bank of India contested the claim of the workman by filing detailed written statement, *inter alia*, alleging therein that the workman while working on cash counter at Surajpur Branch received cash from the customers/depositors but instead of accounting for the same into the respective accounts, pocketed the money and misappropriated the same and made fake entries in the pass books of the customers as specifically mentioned in the chargesheet dated 27-1-98. Opposite party has not disputed the fact that the workman was transferred to Khurja Branch and that the transfer of the workman was purely on administrative grounds and cannot be labeled as punitive. The CCA and HRA was paid to the workman according to the place of posting and the amount of CCA and HRA payable to the applicant at Surajpur Branch was discontinued as the workman became entitled to the said amount admissible for Khurja Town. It has been admitted by the opposite party that the proceedings of each day have been recorded on loose sheets which are serially numbered. In any event neither the workman raised any objection at the time of enquiry nor has disclosed that any prejudice has been caused to him by not maintaining the proceedings in a bound book. The manner of recording proceedings as well as evidence was not objected to by the workman during the enquiry and it has also not been prejudiced the workman in any manner. The workman alongwith his defence representative participated in the enquiry proceeding held on various dates as is evident from the minutes of proceedings. Management has categorically denied the fact that the enquiry officer closely examined and cross-examined the workman in the beginning of the enquiry. As

per laid down procedure the enquiry officer only asked the workman about the contents of chargesheet and if he admits them or not. The workman only denied the charges and there is no question of contradicting the deposition of the workman by the management witnesses.

4. It has also been alleged that confronting the workman with the alleged charges of misconduct is not an illegal procedure. Workman has also not stated as to how by denying each and every misconduct his defence was prejudiced. It is settled principle of law that strict rules of evidence are not applicable in departmental proceedings. It is the enquiry officer who is competent to allow or disallow the representation by any person to any of the parties. The workman was not permitted to appoint an advocate to represent him in the inquiry under the relevant rules of service and the principle of natural justice. Therefore, the request of the workman has rightly been turned down by the enquiry officer and there was no need to refer the same to the disciplinary authority. It is also alleged that after the chargesheeted workman was shown the receipt which is ext. 'P-1' to confirm whether he had taken Rs. 8,000 from Shri Avnesh Kumar and he signed the counterfoil of the cash receipt acknowledgement. After the workman denied it, the management was entitled to produce the best witness, which was Avnesh Kumar. The E.O. therefore, rightly allowed to produce Avnesh Kumar P. W. 4 before the E. O. After the examination of witness P. W. 4 was complete the workman was asked by the enquiry officer if he wishes to cross-examine the witness the workman only stated that his representative Sri V. K. Gupta was unable to attend the enquiry that day and therefore, the cross-examination may be adjourned but he did not object to production of P. W. 4 on the ground that his name was not in the list of witnesses. He simply made a complaint when the management sought permission to produce Avnesh Kumar as P. W. 4. It has been alleged by the opposite party that P. W. 4 was not dropped as a witness but the workman was given opportunity to cross-examine him on the next date when his authorised representative Sri Gupta was present in the inquiry. The letter dated 24-7-99 and affidavit was after thought which the workman has obtained after approaching him and has persuaded him to disown his complaint and his statement made before the inquiry officer. It is to be pointed out that in his letter dt. 24-7-99 he has stated that he had himself deposited Rs. 8,000 in his account on 28-6-97 whereas in his affidavit he has deposed that on 5-11-96 he had given Rs. 8,000 to his family friend and he had submitted a complaint 12-4-99 because he was not aware of the correct facts till 12-4-99. After 12-4-99 his family friend told him that he had not deposited the money on 5-11-96. If that be so then where the question arose of the witness Sri Avnesh Kumar himself depositing Rs. 8,000 on 28-6-97.

5. As regards Devendra Singh the case of the opposite party bank is that his name was included as a

witness in the list of witnesses but he himself did not appear before the enquiry officer and as against it vide his application dated stated that he had submitted a complaint dated 3-1-97 which he later disowned wherein he himself stated that he himself had deposited Rs. 5,000. He did not mention in that report that on 3-12-96 he had sent Rs. 5,000 with a friend.

6. In the end it has been alleged by the opposite party that the workman was afforded full opportunity of his defence by the enquiry officer, disciplinary authority and the appellate authority as well. Rules of enquiry have been adhered properly and on the basis of preponderance of evidence and probabilities the enquiry officer after careful appreciation of evidence and material available on the record of inquiry came at a conclusion that the charges levelled against the workman stands fully proved against the workman and thereupon submitted his detailed report of inquiry for consideration by the disciplinary authority. On careful consideration of the report of inquiry the disciplinary authority provided tentative show cause notice to the workman calling upon him to explain reasons why tentative punishment be not imposed upon him. Upon consideration of the reply to the tentative show cause notice submitted by the workman the disciplinary authority considered that ends of justice would be met if the workman be dismissed from bank's service without any notice. Appeal preferred by the workman has rightly been rejected by the appellate authority after providing the workman an opportunity to appear in person before him. Thus there is no violation of any rules of natural justice or infringement of procedural rules in the conduct of present inquiry against the workman. Lastly it has been pleaded that the reference be answered in favour of the opposite party bank holding that the action of the management in dismissing the workman from Bank's service is just fair and legal and the workman be held entitled to get no relief.

7. Both contesting parties have led oral as well as documentary evidence in support of their respective claims and counter objections. Whereas workman vijai Singh has examined himself as W.W. 1 opposite party management bank examined its officer by name Sri R. K. Gupta as M.W. 1.

8. Heard the arguments of contesting parties at length and have carefully gone through the records of the case.

9. First and foremost question which arises for consideration before this tribunal is to examine whether the domestic inquiry conducted by the management against the workman is vitiated or not on account of breach of principle of natural justice and also to examine as to whether the workman has been given adequate opportunity of his defence during the course of conduct of inquiry.

10. The main contention of the workman on this point is that he was deprived of natural and probable opportunity

of his effective defence and that he was also not given any opportunity to cross-examine the management witness and even the management deliberately dropped P. W. 4 after his examination in chief was over. On the contrary it has been argued on behalf of the opposite party by his authorised representative that the enquiry officer adhered the rules of disciplinary action and principles of natural justice while conducting the inquiry against the delinquent employee. Entire proceedings of departmental enquiry against the delinquent employee is on record which has been examined closely. After going through the entire enquiry proceedings, the tribunal finds that the enquiry officer was quite cautious while holding domestic inquiry against the delinquent employee. He had provided each and every opportunity of the defence to the delinquent employee. It also stands clear that the delinquent employee participated in the enquiry on each and every date and the copies of the proceedings of each date of the enquiry was provided to the delinquent employee. Delinquent employee has palpably failed to point out any specific instance during the course of conduct of domestic enquiry against him when the enquiry officer have flouted the principles of natural justice or that he denied any opportunity to the delinquent employee to make his effective defence before the enquiry officer.

11. The only point which was hampered by the authorised representative is about the management witness P. W. 4 Sri Avnesh Kumar for which it has been argued by the representative for the workman that after examination in chief of this witness, the prosecution dropped the witness before his cross-examination could be done by the defence representative. It has been argued by the authorised representative for the opposite party that after the examination of this witness P. W. 4 was complete, the enquiry officer asked the chargesheeted workman, if he wishes to cross-examine the witness. The reply of the workman to this question posed by the enquiry officer before the workman is that his representative Sri V. K. Gupta was unable to attend the enquiry that day therefore the cross-examination of the witness may be adjourned. From this reply of the workman it is quite clear that he had reserved his right for cross-examination of P. W. 4 on the next date. Simply reply that his representative was unable to attend the enquiry would not be sufficient to come at a conclusion that the enquiry officer denied the workman opportunity for cross-examination of P. W. 4 or that the opposite party bank after examination in chief of this witness was over he was dropped as a witness of the prosecution. Therefore, the tribunal do not find any substance in the arguments advanced by the auth. representative for the workman on this point and it is held that the workman had never been denied for cross-examination of P. W. 4 by the opposite party bank.

12. It has also been argued by the workman that opposite party bank did not provide the copy of enquiry

report; E. O. raised presumptions, surmises and conjectures to fill up gaps in evidence; Opposite party bank produced P. W. 3 whose name did not appear in the list of witnesses; the E. O. was himself acting as controlling authority as the request of the workman for engaging the services of an advocate for defending his case in the enquiry was turned down by him; the enquiry officer allowed the management representative to closely question the workman before examining his own witness which is against the laid down procedure of enquiry and that none of the witnesses have testified about the contents of the documents and subjected themselves to the cross examination.

13. On the other hand the arguments advanced by the workman have been refuted by the authorised representative for the opposite party who has argued that when the records of the enquiry will be scrutinized carefully it would become clear that the arguments of the workman are devoid of merit and carries not much weight.

14. After considering the arguments of the rival contents on the enveil of enquiry proceedings, it is quite clear that the copy of enquiry report has already been provided to the delinquent employee alongwith the tentative decision of the disciplinary authority. Even otherwise workman's arguments is accepted for the moment as correct still the workman has not been able to substantiate his case as to what prejudice has been caused to him if he has not been supplied with copy of enquiry report together with tentative show cause notice. Unless prejudice is shown enquiry cannot be vitiated merely on the ground that the workman has not been supplied with copy of enquiry report by the disciplinary authority before passing final order of punishment. Therefore, tribunal do not find much force in this arguments of the auth. representative for the workman and it is held that since workman has failed to establish prejudice which has adversely affected his right of defence inquiry proceedings cannot be interfered on this ground and it is held that the inquiry proceedings are quite in consonance of rules of natural justice.

15. Tribunal further finds that the contention of the workman is not correct as the enquiry officer has acted as per laid down procedure. The E.O's questioning the workman to eradicate any doubt and make their submissions clear is well within the established law. On this ground also the enquiry cannot be vitiated.

16. From the records of inquiry it is further clear that the copies of minutes of enquiry proceedings have already been provided to the worker on the dates of enquiry as such there was no need to enclose the minutes of enquiry proceedings with the tentative decision. The minutes of enquiry proceedings, as is quite clear, have been recorded on the sheets serially numbered which serve the purpose of register of enquiry proceedings. The contention of the workman that the enquiry officer did not record the

proceedings in a correct way, cannot be considered because the proceedings of the enquiry have been signed by all the persons concerned and the point was never raised by the workman while signing the proceedings by him. It is also clear that the opposite party bank has produced P. W. 3 Sri Nain Singh on 10-2-99 as witness with the permission of the enquiry officer which according to the tribunal is in order because the tribunal finds that the workman made a request before the enquiry officer to cross examine the witness on the next date of enquiry and the enquiry officer had acceded to the request of the workman. The cross examination of this witness P. W. 3 was done by the workman as will be clear from the inquiry proceedings dated 12-4-99. Therefore, when the workman has cross examined the witness with the permission of the enquiry officer now at this belated stage the workman cannot be permitted to argue before the tribunal that the witness who was cross examined by him not found mentioned in the list of witnesses. The tribunal do not find any force in the arguments of the workman on this point which stands rejected being devoid of merit.

17. It is also clear from the record that the question to the effect that the workman had not been allowed the assistance of an Advocate for his defence by the disciplinary authority stands suitably replied by the disciplinary authority vide letter dated 7-6-99 at the appropriate time therefore this point has no relevance at this stage, accordingly arguments advanced by the authorised representative for the workman stands rejected at the hands of the tribunal being devoid of merit.

18. The contention of the workman appears to be wrong. The contents of the documents have been testified by P. W. 5 Mohinder Singh, P. W. 2 Sri Lila Singh, P. W. 3 Sri Nain Singh and P. W. 1 Sri Devender Singh have confirmed having made the complaint against the workman and have also testified the document but he also stated since the money has been deposited in his account he has no complaint now. All these witnesses have also been cross examined. P. W. 4 Avnesh Kumar has also testified the contents of the documents. P. W. 4 Avnesh Kumar was also presented for cross examination before workman but the workman did not cross examine him and sought adjournment. In the meanwhile the enquiry officer received a letter from P. W. 4 stating that whatever he has deposed in the proceedings should be expunged from the minutes. Therefore, the tribunal in the facts and circumstances of the case is not ready to accept the contention of the workman and is of the firm opinion that the pressure was built on P. W. 4 at the behest of the workman to write such a letter to enquiry officer.

19. From over all appreciation of the material and evidence available on the record of the case, at the cost of reiteration it may be stated that there is no infringement of rules of natural justice or rules prescribed for conduct of

domestic inquiry has been breached by the enquiry officer during the course of conduct of disciplinary inquiry against the concerned workman and being so it does not call for any kind of intervention at the hands of the Tribunal. It is therefore, held that domestic inquiry was neither vitiated nor is bad in law for any reason as pointed by the workman.

20. Lastly last question which remains for consideration is as to whether or not the enquiry findings recorded by the enquiry officer are perverse. I have carefully gone through the entire enquiry findings recorded by the enquiry officer and find that the enquiry officer has recorded a very categorical and rational findings on each of the charges levelled against the delinquent employee after properly appreciating the material and evidences available before him. It is also obvious from the findings of the enquiry officer that the same is neither based on arbitrary grounds or extreneous considerations. Enquiry officer has considered each and every points raised by the delinquent employee in his written submissions submitted by him before the enquiry officer. Therefore, the findings cannot be said to have been based on conjectures and surmises as pointed out by the delinquent workman. Tribunal on the basis of above is of the firm opinion that the enquiry officer after due deliberations have recorded a rational findings which is not required to be disturbed or interfered at the hands of the tribunal and as such findings of the enquiry officer cannot be held to be perverse by means of which the enquiry officer has proved the charges levelled against the delinquent employee.

21. The tribunal is further of the firm view that all the proved charges against the delinquent employee are serious in nature, highly prejudicial to the bank's interest and as such tantamount to gross misconduct on his part. Further the workman in his reply to the tentative order, during the course of personal hearing or even before this tribunal had not raised any points except trying to find some procedural infirmities in the enquiry held for the consideration of the tribunal on the basis of which his innocence could be proved. Even he has also tried to level baseless charges/allegations against the enquiry officer which are not correct. Therefore, looking to the gravity of the misconduct committed by him, the tribunal has no option but to affirm the decision of the disciplinary authority whereby the delinquent employee has been awarded punishment of dismissal from bank's service without any notice. Tribunal is also of the firm view that in financial institutions like the opposite party bank persons like the delinquent employee should not be allowed to be retained in their services whose integrity is doubtful for the reasons that such persons can be well said to have lost confidence of their employer reposed in them by their employer.

22. For the above discussions, of facts and circumstances facts, it is held that the action of the opposite party State Bank of India in dismissing the services of the

34446106-27.

workman w.e.f. 2-9-2000 neither can be said to be illegal nor unjustified. As a result of which the workman cannot be granted any relief as claimed by him in the instant case.

23. Reference is, therefore, answered against the workman and in favour of the opposite party bank.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2006

का. आ. 4384.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. प्रोजेक्ट एण्ड इक्विपमेंट कॉर्पोरेशन ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 17/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-2006 को प्राप्त हुआ था।

[सं. एल-42012/196/1999-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th October, 2006

S.O. 4384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Project and Equipment Corporation of India Ltd. and their workman, which was received by the Central Government on 20-10-2006.

[No. L-42012/196/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, NEW DELHI

I.D. No. 17/2000

In the matter of dispute between :

Shri Umesh Kumar Rai
Rajdhani Karamchhari Union,
2189-A, Balmukund Khand Giri Nagar,
New Delhi-110 019. Workman

Versus

M/s. Project and Equipment Corporation
of India Limited, Hansalaya,
15, Barakhamba Road,
New Delhi-110 001

2. M/s. Vanguard Detective and Fire Services,
D-102, Purvasha, Mayur Vihar, Phase-II,
Delhi-110 091 Management

APPEARANCES:

Shri Ravi Birbal for management No. 1
None for workman.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/196/1999/IR (DU) dated 2-2-2000 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Project and Equipment Corporation of India Ltd., New Delhi in not regularizing the services of Shri Umesh Kumar Rai Security Guard and stopping him from duty w.e.f. 6-7-88 is just, fair and legal? If not, to what relief the workman is entitled?"

2. Brief facts of this case of the workman as culled from record are that Shri Umesh Kumar Rai was employed by the management as security guard w.e.f. May, 1993 and last wages drawn @ Rs. 4515 per month. The work performance of the workman was quite satisfactory and unblemished service record. The management No. 1 being the principal employer have been showing the name of the workman illegally through the contractor while the other security guards were performing the same duties. The workman so many times asked the management No. 1 to provide the regular duties of the workman as the work of security guard is of perennial nature and forms as essential part of the company. Management No. 1 have permanent security guards and its own employees and who are being paid the wages to its employees. In order to reduce the cost of engagement of more security guards, the management has adopted unfair labour practice by illegally showing the name of the workman through the contractor i.e. the management No. 2. During the service period the workman worked 8 hours duties with the management but as per the directions and instructions of the management the workman worked 16 hours duty and the management had not paid the overtime wages to the workman. The workman was also deprived from the legal facilities as applicable upon the management No. 1. The workman demanded the said facilities from the management as overtime wages as well as regularization of services with the management on the said demand of the workman the management become annoyed with the workman and decided to get rid of him in any circumstances. That on 6-7-98 the workman again demanded the said facilities from the management but the management without any cause or reason illegally terminated the services of the workman on the same day on 6-7-98. At the time of termination of the workman the management had not paid the overtime wages to the workman nor the management paid the terminal benefits to the workman. The management had not issued any show cause notice, chargesheet nor any enquiry was

held against the workman. The termination of the workman is illegal, unjustified and inoperative and void. The act of the management to terminate the services of the workman was clear violation of the provisions of the I.D. Act, 1947. The termination of the workman services are illegal, bad in law, mala fide and being the glaring act of victimization. The workman approached the management for reinstatement of his services as well as regularization of services but all the approach are in vain as the management has rejected the demand of the workman. The workman served the demand notice upon the management on 5-9-98 but the management neither replied nor reinstate the services of the workman with full back wages with continuity of services with all accruing benefits. It is, therefore, prayed to kindly pass the directions to the management to reinstate the services of the workman with full back wages with continuity of services with all accruing benefits and also to regularize the services of the workman since the date of joining of services.

3. Management No. 1 filed written statement raising preliminary objection that the claim is liable to be dismissed because he has come before the Tribunal with unclean hands and his claim is reflective of misrepresentation and suppression of material facts. And the workman has never been working for P.E.C. Limited but has been working with M/s. Vanguard Detective and Fire Services. On the basis of serious misdemeanor/misbehaviour, and on a complaint by the CMD of the respondent No. 1 at whose residence-cum-office the worker had been posted by the respondent No. 2, the respondent No. 1 simply approached the respondent No. 2 requesting the respondent No. 2 to replace the worker in question with some security guards at the said premises. Pursuant to such request the respondent No. 2 had simply asked the worker to report back at its office so that he could be re-sent elsewhere and a fresh guard could be posted at the premises of the CMD of the respondent No. 1 thus the respondent No. 2 also not terminated the services of the worker in question.

4. On merits it is stated that respondent No. 1 has never employed the workman Shri Umesh Kumar Rai. As to when he was originally appointed in the services of the respondent No. 2, before the respondent No. 2 temporarily posted him at premises of the respondent No. 1 which is the respondent No. 2 was contractually bound to guard, is not known by the opposite party No. 1 and the averment of the workman in that respect is denied for want of knowledge. However, it may be pertinent to note that as per the workman's own admission, he was being paid a salary of Rs. 4515 per month, well above the prescribed minimum wages, indicating that he was being paid as per contractual terms and conditions. Para No. 3 of the claim is denied and it is alleged that the work performance of Umesh Kumar Rai was always unsatisfactory and tainted with complaints. The officer and his family at whose premises the respondent No. 2 had posted Shri Umesh Kumar Rai had serious

complaint about his behaviour and in fact it was on the basis of one such complaint, that respondent No. 1 requested respondent No. 2 to shift Shri Umesh Kumar Rai elsewhere and post a fresh guard in his place. Para No. 4 of the claim is denied. The facts stated in para No. 5 to 13 are denied. It is prayed that the prayer of the workman in his claim is not maintainable and misconceived, besides the claim being not maintainable in view of the preliminary objections above mentioned. Therefore, the claim may be dismissed alongwith imposition of costs in favour of respondent No. 1 and should be claim be considered, then the reference may kindly be answered in favour of the opposite party No. 1.

5. Written statement was followed rejoinder wherein the workman reiterated facts mentioned in the claim statement and refuted the controverted facts in the written statement.

6. After admission denial of documents management examined Shri S. S. Negi, Deputy Manager, respondent No. 1 and was not cross-examined as none on behalf of the workman was present on 30-3-05 and workman was proceeded ex parte. And case was then fixed for ex parte arguments and ex parte arguments were heard on 10-1-06 addressed by Shri Ravi Birbal A/R for management No. 1.

7. I have heard learned counsel for the management No. 1 and have gone through the record meticulously.

8. The workman has not come forward to adduce evidence and substantiate his claim that he was working with the respondent as its employee as claimed. Hence the claim of the workman that he was employee of the respondent corporation is untenable and the question of his regularization in service does not arise and he is not entitled to the relief claimed. Award is accordingly passed. File be consigned to record room.

Dated: 16-10-06 S. S. BAL, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2006

का. आ. 4385.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सो. पी. डब्ल्यू. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 180/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-2006 को प्राप्त हुआ था।

[सं. एल-42012/184/96-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th October, 2006

S.O. 4385.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 180/97)

of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C. P. W. D. and their workman, which was received by the Central Government on 20-10-2006.

[No. L-42012/184/96-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, NEW DELHI**

I. D. No. 180/97

In the matter of dispute between :

Shri Gurucharan, Sewerman,
C/o C. P. W. D. Mazdoor Union,
E-26, (Old Qtr.),
Raja Bazar,
Baba Khark Singh Marg,
New Delhi

... Workman

Versus

The Executive Engineer,
'S' Division,
C.P.W.D., East Block,
R. K. Puram,
New Delhi

... Management

APPEARANCES:

Workman with his A/R Sh. B. K. Pd.

Shri Atul Bhardwaj A/R for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/184/96-I. R. (DU) dated 24-10-97 has referred the following Industrial Dispute to be Tribunal for adjudication :

"Whether the action of the management of Executive Engineer 'S' Division, CPWD in terminating the service of Shri Gurucharan w.e.f. 19-2-96 and not regularizing his services in the pay scale of Rs. 950-1500 is just, fair and legal, if not what relief the workman is entitled to?"

2. Brief facts of this case as culled from record are that the workman was engaged by 'J' division of respondent Executive Engineer, F Division, CPWD initially for work of sewerian on daily rated basis and on work order basis w.e.f. 1-2-88 and posted within the jurisdiction of enquiry, Sector-3, R. K. Puram, New Delhi and worked continuously upto 18-2-96. The work of Sector-3 Enquiry, R. K. Puram was shifted to 'S' Division in the month of February, 1996

and the Junior Engineer terminated the services of the workman w.e.f. 19-2-1996 by verbal orders with compensation, gratuity, one month pay as provided under the Industrial Disputes Act, 1947, and after termination of his services junior persons were retained in service by the management on the work on which the workman was employed and was given to contractor with a view to deny him the status of a permanent workman which is unfair labour practice as envisaged under Fifth Schedule of the Industrial Disputes Act, 1947. The workman was performing the duty directly under the control of Executive Engineer, Assistant Engineer and the Junior Engineer respectively and the management of C. P. W. D. has been recruiting daily rated workers camouflaged on work order basis and on hand receipt basis in the category of sewerman who are getting the wages in the pay scale of Rs. 950-1500 with all allowances except increment. But the workman Gurucharan was paid only minimum wages fixed for unskilled worker though he was performing work of skilled worker as per classification under minimum wages as well as Arbitration Award of 1988 and the regular workmen on the work of Sewerman have been getting their wages as skilled workers in the pay scale of Rs. 950-1500 w.e.f. 1-1-1986 and he is entitled to equal pay for equal work like other workmen who were held entitled by the Supreme Court in Surrender Singh's case. His services were terminated when he demanded regularization from the date of initial appointment w.e.f. 1-2-88 which annoyed the officers of the management who terminated his services and adopted the policy of hire and fire which is not permissible in the light of the provisions of Industrial Disputes Act, 1947 and the management also violated the provisions of principles of natural justice and his termination is against the principles of natural justice and provisions of I. D. Act and amounts to unfair labour practice. The workman is entitled to permanent status after completion of 90 days of service under the provisions of law. Employment of the sweepers on sweeping work has been prohibited by the Central Government w.e.f. 9-3-1976 and copy of the same is marked as Annexure B with this application. The workman was retained in service for about 8 years which also amounts to unfair labour practice as per provisions contained in 5th schedule of the I. D. Act. Workman is entitled to regularization and regular pay scale in view of the pronouncement of Supreme Court judgment in case captioned H. D. Singh Vs. Reserve Bank of India. The action of the management is in violation of the provisions of section 25-F, 254-G and 25-H of the I. D. Act and is entitled to consequential benefits w.e.f. the date of termination i.e. 19-2-96 in the pay scale of Rs. 950-1500 and he is also entitled to be regularized w.e.f. 1-2-88 with full back wages in the said scale including increment and arrears of wages. He claims reinstatement w.e.f. 19-2-96 in the pay scale of Rs. 950-1500 as daily rated workman and equal pay for equal work and also regularization.

3. The claim was contested by the management by filing counter reply stating that dispute raised by reference is not denied. However, it is stated that the workman Gurucharan was never appointed by the management as Sewerman. He has worked as a contractor under J Division and executed the work himself for cleaning of sewer drainage at Sector 3, R. K. Puram Enquiry. The first work order was issued to him during 2/88 by the Executive Engineer, J-Division in which it was clearly mentioned at Sl. No. 4 of the condition that no claim shall be made for regular employment on account of the above work order. Subsequently, other work order were issued in his name. It is also denied that the workman worked upto 18-2-96. The last work order was issued in his favour for one month and in all the orders there was a condition that no claim on account of any regular appointment shall be entertained and the condition has been duly accepted and signed by the applicant. It is admitted that the area of R. K. Puram falls within the jurisdiction of 'S' Division on transfer from 'J' Division w.e.f. 1-2-96. Other contents are denied. It is stated that the claimant is not workman under management because he worked as a contractor on work order. The work order is meant for engaging the workers but only a particular work is awarded to the contractor on work order. As such there is no question of continuing or terminating of their services by the management. A copy of instructions are enclosed. Question of termination by Junior Engineer does not arise. He was never engaged as sewerman. Rather he was given a work order as Contractor for specific work. The work done by the contractor is measured and bill is prepared and passed for payment and cheques is given to the contractor. It is also stated that the hand receipt and muster roll are different from work order. As already mentioned the workers who perform the work spelt out in a work order can not be termed as the workers of the department and in the work orders, orders for work described in the schedule given to the contractor is to be executed as per condition and rate mentioned in the schedule. In this particular case, Sh. Gurucharan has agreed to execute a particular work at a specific rate and has been paid accordingly as per terms of the contract, in full and final settlement. The services of the workman cannot be regularized as per rules. The contract has been closed in public interest and provisions of I. D. Act are not applicable to the contractor and as such violation of the provisions is denied. It is also stated that no unfair practice has been adopted. Provisions are not applicable to a contractor on work order. It is denied that the workman is entitled to permanent status after completion of 90 days service as claimed. Gurucharan Singh was only a contractor and the rule of permanent status/termination of the services does not apply. He was not employed by the department rather work order was issued to him as per terms and conditions agreed by him and in view of the above stated facts it is stated that the workman applicant is a contractor and has been paid as per work order terms and conditions agreed

upon and he is not entitled to equal pay for equal work and other benefits as claimed and claim is sought to be dismissed.

4. Counter reply was followed by rejoinder wherein the facts mentioned in the claim statement were reiterated to be correct and the controverted facts of the counter reply were refuted.

5. Thereafter parties adduced evidence. Management filed affidavit of Shri A. S. Negi Executive Engineer S. Division, C.P.W.D. East Block IV, R. K. Puram, New Delhi in evidence on behalf of the management. He was examined and cross-examined as MW1 and his affidavit has been proved as Ex. MW1/1 and after closure of the evidence of the management workman adduced his evidence by way of filing his affidavit. He was examined and cross-examined. He proved his affidavit as Ex. WW1/1 and closed his evidence. After closure of the evidence of the parties, parties filed written arguments.

6. I have given my thoughtful consideration to the contentions raised on either side.

7. The case of the workman is that he was engaged initially for the work of sewerman on daily rated and work order basis w.e.f. 1-2-88 as a sewerman and his services were terminated w.e.f. 19-2-96 by verbal orders by junior engineer on payment of one month pay with compensation gratuity etc. as per provisions of I. D. Act and his claim seems to be that he has worked for more than 240 days during the periods w.e.f. 1988 to 1996 and as such the workman is entitled to be regularized in service.

8. On the contrary the case of the management is that the workman was engaged on work order basis vide order dated 25-2-88 and 22-11-95 and payments were made. Hence workman is contractor on work order basis and his engagement came to an end on expiry of period of each order. The persons engaged on work order basis were held to be daily rated workmen and that he is entitled to be regularized in service so he claims reinstatement and regularisation in service on account of his having served for a period of 8 years as Sewerman. The questions which require to be considered in this case are :

- (1) Whether the claimant is workman or contractor ?
- (2) Whether he is entitled to relief of regularization.
- (3) Whether his termination is justified or legal.

9. With regard to question No. 1 the Delhi High Court in a case W. P.(C) 7032/2005 PWD Vs. Satya Pal in order dated 19-10-05 has observed that where the workman has worked for more than 240 days considered the circular dated 18-8-1993 and came to the conclusion that the workman engaged on work order basis; have been treated as daily rated worker. No dispute has been raised that even

termination of daily rated workman requires compliance with Section 25-F of the I. D. Act, 1947 and as per the circular of the petitioner, it is termination of only such workmen who have not completed 240 days of service as being considered. It further observed that the termination of the workman vide said circular was illegal. Hence termination of the workman in view of the said circular dated 18-8-93 is illegal. The workman has also claimed regularization in service as he claimed to have worked for 8 years during the period 1988 till 1996 is daily rated worker. It may be pointed out at the outset that the claimant is not entitled to regularization in view of the observations in Uma Devi's case which are as under :

"..... Therefore, consistent with the scheme for public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance"

In the instant case compliance of Section 25-F has not been insisted. Management has not claimed that the service of the workman has been terminated in view of the provisions contained in Section 25-F.

10. The Hon'ble High Court has also referred to the decision dated 31st January, 2003 passed in W.P. (C) No. 825/2003 captioned M/s. The Director of Horticulture, Vs. Shri Ram Sham & Another wherein it was held as follows :—

"The work orders issued by the petitioner for engaging the respondent and on which reliance has been placed by the petitioner clearly show that the respondent had admittedly worked continuously from 1989 to 1993, though on three months basis, and in my opinion, the work orders issued by the petitioner were only camouflage to avoid regularization of the services of the respondent. Respondent was a driver employed to work on the water tanker of the petitioner. Though it is the contention of learned counsel for the petitioner that the respondent could appoint any other person to work as driver on the tanker, however, none of the conditions of the work

order specify that the respondent could engage any other person to work as a driver on the vehicle of the petitioner. Conditions mentioned on the work order clearly show that the respondent was engaged to work as a driver and he was paid Rs. 40 per day for the same. Condition No. 16 clearly shows that in a month of 30 days, the respondent shall be paid wages for 26 days. Petitioner had full control and supervision over the work of the respondent which also shows that there was a relationship of master and servant between the parties and respondent was not an independent contractor. Though, it is contention of the petitioner that there is no vacancy available with the petitioner to engage the respondent, however, that is no ground not to pass an award in favour of the respondent. Services of the respondent, having been wrongfully terminated, the Labour Court was fully justified to pass the award directing his reinstatement. I, therefore, do not find any merits in this petition and the same is accordingly dismissed."

11. Coming to the issue of relief it is pertinent to mention here that the management has terminated the services of the workman in view of the circular dated 18-8-93 which is held to be illegal as mentioned. The management has not claimed that the termination of the workman has been in compliance of Section 25 F of the I.D. Act, i.e. however, the workman has averred in his claim statement that he was paid one month's salary at the time of his termination by verbal order w.e.f. 19-2-96. It appears that the management was of the view that the provisions of circulars are applicable to the workman as he was a daily rated/casual worker and termination of his services by paying him one month's salary which is in accordance with the provisions of Section 25-F and thus there is no violation of the provisions of Section 25-F of the I.D. Act. The services of the workman stood terminated on the expiry of his terms of last work order and the same is in accordance with the observations made by the Supreme Court in Uma Devi's case as mentioned above.

12. The action of the management in terminating the services of the workman Shri Gurucharan and not regularizing his services in the pay scale of Rs. 950-1500 is just and fair and legal and justified. He is not entitled to any relief of reinstatement in service. Reference is answered accordingly and file be consigned to record room.

Dated : 17-10-2006 S. S. BAL, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 2006

का. आ. 4386.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्केलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 117/2000)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-2006 को प्राप्त हुआ था।

[सं. एल-42012/151/2000-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 20th October, 2006

S.O. 4386.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 117/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 20-10-2006.

[No. L-42012/151/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 117 of 2000

In the matter of dispute between :

Shri Man Singh S/o Ram Singh
Niwasi Rambagh Yamuna Bridge
Agra

AND

The Deputy Superintending Horticulturist
Archaeological Survey of India, Horticulture
Division No. 1
East Gate Taj Mahal,
Agra, U. P.

AWARD

1. Central Government Ministry of Labour New Delhi vide Notification No. L-42012/151/2000-IR (DU) dated 28-9-2000 has referred the following industrial dispute for adjudication to this tribunal :—

"Whether the action of the management of Archaeological Survey of India, Horticulture Division No. 1 Taj Mahal, Agra in terminating the services of Sri Man Singh w.e.f. 1-7-96 is justified ? If not, to what relief the workman is entitled ?"

2. The case in brief as set up by the workman in his statement of claim is that he remained employed under group 'D' of the opposite party w.e.f. 1994 and worked continuously more than 240 days and acquired a right to be employed as permanent employee. It is alleged that the services of the workman were terminated by the opposite

party w.e.f. 1-7-96 without any prior information, without any notice and in violation of principles of natural justice. It has also been pleaded by the workman that the opposite party have breached the provisions of Section 25-F of Industrial Disputes Act, 1947. Workman has also pleaded breach of provisions of Section 25G of the Act inasmuch as junior to the workman is still retained in the service of the opposite party. It is also alleged by the workman that no action on the representation made by the workman was taken by the opposite party in which he had demanded reinstatement of his service under the opposite party and that the services of the workman were terminated by the opposite party due to animosity. On the basis of these pleadings workman has prayed for his reinstatement with full back wages and all consequential benefits.

3. The claim of the workman has been refuted by the opposite party on a variety of grounds and it has been pleaded that the claimant is not entitled for any relief and his claim is liable to be rejected summarily being devoid of merit.

4. After exchange of pleadings between the parties both contesting parties have filed oral as well as documentary evidence in support of their respective claims.

5. I have heard the arguments of the contesting parties at length and have also gone carefully through the records.

6. Workman examined himself as W.W.1 and in his statement on oath given before the tribunal, workman has admitted that he worked with the opposite party from January 1984 to June 1996 continuously at the post of Mali. Workman has categorically admitted the fact that he was neither paid any notice nor retrenchment compensation by the opposite party at the time of termination of his services. In his cross-examination the witness has denied

the suggestion of the opposite party that he did not work under them as a daily rated worker in group 'D'. Witness has further denied the suggestion that that he was engaged due to exigency of work. He has admitted the fact that no appointment letter was issued in his favour by the opposite party. Witness has further admitted the fact that he never made any application for his appointment before the opposite party. Witness has categorically admitted the fact that he worked under the opposite party upto 22-6-96. If it is so then it would mean that the workman never worked with the management upto 1-7-96. If the workman had not worked upto 1-7-96 question of termination of the service by the opposite party w.e.f. 1-7-96 does not arise at all and on the basis of statement made by the workman in his evidence that he worked with the opposite party only upto 22-6-96 the workman cannot be held entitled for any relief w.e.f. 1-7-96 as on 1-7-96 opposite party has not terminated the services of the workman.

7. In view of position as explained above, now there is hardly any need to appreciate the evidence of the opposite party as the workman himself has palpably failed to substantiate his case that he remained under the employment of the opposite party upto 1-7-96. When the workman was not in the employment of the opposite party on 1-7-96 question of termination of his services by the employer opposite party does not arise at all. Therefore the workman cannot be held entitled for the relief of reinstatement w.e.f. 1-7-96 as claimed by him.

8. From the above discussions, it is held that the opposite party had never terminated the services of the workman on 1-7-96 therefore the workman cannot be granted any relief in his favour. Accordingly it is held that the workman is not entitled for any relief as claimed by him. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer